

# EXHIBIT

## P1

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2 JANE DOE, et al., : UNITED STATES DISTRICT COURT  
3 Plaintiff : MIDDLE DISTRICT OF PENNSYLVANIA  
4 v. :  
5 SCHUYLKILL COUNTY : CIVIL DOCKET NO:  
6 COURTHOUSE, et al., : 3:21-CV-00477  
7 Defendants :  
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10 TRANSCRIPT MARKED CONFIDENTIAL

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18 ORAL DEPOSITION OF DEBRA TWIGG taken at  
19 the U.S. Attorney's Office, Middle District of  
20 Pennsylvania, 228 Walnut Street, Harrisburg,  
21 Pennsylvania 17108 on Friday, September 30, 2022 at  
22 9:25 a.m. before Coleen Trifun, RPR and Notary  
23 Public.  
24

## A P P E A R A N C E S :

DEREK SMITH LAW GROUP, PLLC  
BY: CATHERINE SMITH, ESQUIRE  
1835 Market Street  
Suite 2950  
Philadelphia, Pennsylvania 19103  
catherine@dereksmith.com  
Counsel for the Plaintiff

DEPARTMENT OF JUSTICE  
CIVIL RIGHTS DIVISION  
BY: AMBER FOX, ESQUIRE  
ALLAN TOWNSEND, ESQUIRE  
150 M St. NE Room 9.932  
Washington, District of Columbia 20002  
amber.fox@usdoj.gov  
allan.townsendz@usdoj.gov  
Counsel for the Plaintiffs

NEWMAN WILLIAM, P.C.  
BY: GERARD J. GEIGER, ESQUIRE  
P.O. BOX 511  
712 Monroe Street  
Stroudsburg, Pennsylvania 18360  
ggeiger@newmanwilliams.com  
Counsel for George Halcovage

MCNERNEY PAGE VANDERLIN & HALL  
BY: NICOLE IPPOLITO, ESQUIRE  
433 Market Street  
Williamsport, Pennsylvania 17701  
nippolito@mpvhlaw.com  
Counsel for Glenn Roth

JONES PASSODELIS  
MICHAEL R. LETTRICH, ESQUIRE  
Gulf Tower, Suite 3410  
707 Grant Street  
Pittsburgh, Pennsylvania 15219  
mlettrich@jonespassodelis.com  
Counsel for Gary Bender and Heidi Zula

DICKIE MCCAMEY  
BY: PAUL G. LEES, ESQUIRE  
190 Brodhead Road, Suite 310  
Bethlehem, Pennsylvania 18017  
plees@dmclaw.com  
Counsel for additional parties

ALSO PRESENT:

ALYSSA DEBISE, PARALEGAL  
JANE DOE 1  
JANE DOE 4  
GEORGE HALCOVAGE  
GLENN ROTH

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1 DIRECTION TO WITNESS NOT TO ANSWER

2 PAGE LINE PAGE LINE PAGE LINE

3 (None)

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11 REQUEST FOR PRODUCTION OF DOCUMENTS

12 PAGE LINE PAGE LINE PAGE LINE

13 (None)

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| <p style="text-align: right;">Page 6</p> <p>1 THE COURT REPORTER: Would you like</p> <p>2 a copy of the transcript?</p> <p>3 MR. GEIGER: Condensed.</p> <p>4 MR. LETTRICH: Yes.</p> <p>5 MS. IPPOLITO: Yes.</p> <p>6 - - -</p> <p>7 MS. SMITH: First let me put on the</p> <p>8 record who is in the room. So Catherine</p> <p>9 Commonwealth on behalf of the plaintiff. I am</p> <p>10 here with my paralegal, Alyssa DeBise, and we have</p> <p>11 plaintiffs Jane Doe 3 and Jane Doe 4 present in</p> <p>12 the room.</p> <p>13 MS. FOX: Amber Fox, Department of</p> <p>14 Justice.</p> <p>15 MR. TOWNSEND: Allen Townsend, also</p> <p>16 with the Department of Justice.</p> <p>17 MR. LETTRICH: Michael Lettrich on</p> <p>18 behalf of the county, defendants Bender and Zula.</p> <p>19 MS. IPPOLITO: Nicole Ippolito on</p> <p>20 behalf of Glenn Roth.</p> <p>21 MR. GEIGER: Gerry Geiger for</p> <p>22 Defendant Halcavage.</p> <p>23 MS. SMITH: And Defendant Halcavage</p> <p>24 and Defendant Roth are also present in the room.</p> | <p style="text-align: right;">Page 8</p> <p>1 A. Sure. Yes.</p> <p>2 Q. You agree to keep it confidential?</p> <p>3 A. Yes.</p> <p>4 MR. LETTRICH: Apparently you</p> <p>5 mentioned something about privilege, relative to</p> <p>6 attorney-client privilege. To the extent that</p> <p>7 it's to county's privilege to waive, I wouldn't</p> <p>8 necessarily agree that it gets waived. But we can</p> <p>9 deal with that on a case by case basis as we move</p> <p>10 forward.</p> <p>11 MS. SMITH: Understood.</p> <p>12 BY MS. SMITH:</p> <p>13 Q. Ms. Twigg, do you understand that you</p> <p>14 have been placed under oath and have the</p> <p>15 obligation to testify truthfully?</p> <p>16 A. Yes.</p> <p>17 Q. You understand that even though we're in</p> <p>18 an informal conference room, that your testimony</p> <p>19 has the same force and effect as if you were</p> <p>20 testifying in a court of law?</p> <p>21 A. Yes.</p> <p>22 Q. You understand that the court reporter</p> <p>23 is going to take down everything that is said</p> <p>24 during the deposition?</p> |
| <p style="text-align: right;">Page 7</p> <p>1 The two other plaintiffs may join us at some point</p> <p>2 during the Zoom. I will notify counsel and put it</p> <p>3 on the record if and when they do.</p> <p>4 Counsel stipulates that --</p> <p>5 MR. LEES: Paul Lees on behalf of</p> <p>6 defendant Kutzler.</p> <p>7 MS. SMITH: All counsel stipulate</p> <p>8 that this transcript will be marked confidential?</p> <p>9 (All parties stipulated.)</p> <p>10 MS. IPPOLITO: Normal stipulations.</p> <p>11 MS. SMITH: Objection to form and</p> <p>12 privilege. If there is no privileges, Ms. Twigg</p> <p>13 defer to an attorney.</p> <p>14 - - -</p> <p>15 DEBORAH TWIGG, having been first duly</p> <p>16 sworn, was examined and testified as follows:</p> <p>17 - - -</p> <p>18 Examination</p> <p>19 - - -</p> <p>20 BY MS. SMITH:</p> <p>21 Q. Ms. Twigg, do you understand that the</p> <p>22 testimony that you'll be giving today is</p> <p>23 confidential and you should not discuss it with</p> <p>24 anyone else?</p>         | <p style="text-align: right;">Page 9</p> <p>1 A. Yes.</p> <p>2 Q. You understand that the court reporter</p> <p>3 cannot transcribe inaudible responses such as nod</p> <p>4 of the head, as you just mentioned?</p> <p>5 A. Yes.</p> <p>6 Q. So just make sure that you give an</p> <p>7 audible response.</p> <p>8 A. Okay.</p> <p>9 Q. Do you understand that you should wait</p> <p>10 for a complete question to be asked before you</p> <p>11 respond. And likewise, I will wait for you to</p> <p>12 finish your answer before I ask my next question.</p> <p>13 A. Okay. Yeah.</p> <p>14 Q. If you do not understand a question or</p> <p>15 if you think that it was ambiguous, please let me</p> <p>16 know and I will rephrase the question.</p> <p>17 Do you understand?</p> <p>18 A. Yes.</p> <p>19 Q. If at any point you realize an answer</p> <p>20 given earlier in your deposition is inaccurate,</p> <p>21 incomplete, just let me know that you wish to</p> <p>22 correct or supplement it and you will be permitted</p> <p>23 to do so.</p> <p>24 Do you understand?</p>        |

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| <p>Page 10</p> <p>1 A. Yes.</p> <p>2 Q. Have you recently consumed any</p> <p>3 medication, alcohol, or any other substance which</p> <p>4 impairs your ability to testify truthfully here</p> <p>5 today?</p> <p>6 A. To impair my ability, no. I took my</p> <p>7 blood pressure medicine, my cholesterol medicine.</p> <p>8 Q. Okay.</p> <p>9 But it doesn't impact your ability to</p> <p>10 understand --</p> <p>11 A. No.</p> <p>12 Q. -- or testify?</p> <p>13 A. No.</p> <p>14 Q. If at any point you need a break, let me</p> <p>15 know. The only request I have is if there's a</p> <p>16 question posed, that you just answer it and we</p> <p>17 will take any breaks that you need.</p> <p>18 A. Okay.</p> <p>19 Q. Have you understood the instructions</p> <p>20 about your deposition?</p> <p>21 A. Yes.</p> <p>22 Q. Do you have any questions?</p> <p>23 A. Not at this time, no.</p> <p>24 Q. Ms. Twigg, you are here pursuant to</p>                                                                            | <p>Page 12</p> <p>1 MR. LETTRICH: So at this point, I</p> <p>2 wouldn't say I represent you, but what I mentioned</p> <p>3 the issue about the attorney-client privilege, if</p> <p>4 that comes up, I'll place an objection on, but it</p> <p>5 may not. So we can just kind of cross that bridge</p> <p>6 when we get to it.</p> <p>7 THE WITNESS: Okay.</p> <p>8 BY MS. SMITH:</p> <p>9 Q. So do you feel that you would like an</p> <p>10 attorney?</p> <p>11 A. Not at this point.</p> <p>12 Q. Periodically throughout the deposition</p> <p>13 I'm going to show you documents that have either</p> <p>14 been marked as exhibits or will be marked as</p> <p>15 exhibits and you'll be provided a copy to look</p> <p>16 over.</p> <p>17 A. Can I get my glasses?</p> <p>18 Q. Sure. Of course.</p> <p>19 MS. IPPOLITO: Katherine, would you</p> <p>20 be able to ask her for her address so that we can</p> <p>21 subpoena her later?</p> <p>22 MS. SMITH: The county should have</p> <p>23 it.</p> <p>24 MR. LETTRICH: I am not so sure</p> |
| <p>Page 11</p> <p>1 subpoena that I sent you?</p> <p>2 A. Yes.</p> <p>3 Q. You understand that you do have the</p> <p>4 right to have an attorney present here with you?</p> <p>5 A. Yes.</p> <p>6 Q. But you do not. Is that of your own</p> <p>7 choice?</p> <p>8 A. Yes.</p> <p>9 Q. Periodic --</p> <p>10 A. Can I ask a question?</p> <p>11 Q. Sure.</p> <p>12 A. Do I need one? And my question is, that</p> <p>13 I am here because of everything that occurred</p> <p>14 while I worked for to county. So should not the</p> <p>15 county attorney also be representing me?</p> <p>16 MR. LETTRICH: Well, I think -- I</p> <p>17 represent the county and you're not a named</p> <p>18 defendant in the matter. There may be some</p> <p>19 instances where there may be -- have been some</p> <p>20 attorney-client communications with you and</p> <p>21 perhaps one of the county solicitors. We'll cross</p> <p>22 that bridge when we get to it, but they're not</p> <p>23 suing you.</p> <p>24 THE WITNESS: Right.</p> | <p>Page 13</p> <p>1 that we do, though.</p> <p>2 MS. SMITH: We can figure that out.</p> <p>3 I'm not going to ask her for that on the record</p> <p>4 with individuals in the room.</p> <p>5 BY MS. SMITH:</p> <p>6 Q. I'm going to provide you a copy of the</p> <p>7 exhibit. You are going to hear me refer to Bates</p> <p>8 numbers. Those are just the numbers at the bottom</p> <p>9 of the document, sometimes at the top.</p> <p>10 A. Okay.</p> <p>11 Q. You will see them.</p> <p>12 MS. SMITH: So the first exhibit I</p> <p>13 am going to mark for today's purposes is 76. It's</p> <p>14 going to be Bates No. 1197.</p> <p>15 Actually, now that I am looking at</p> <p>16 it, everyone is not on Zoom and I only have paper</p> <p>17 copies for Nicole, as she requested.</p> <p>18 - - -</p> <p>19 (Bates No. 1197 marked as Exhibit 76 for</p> <p>20 identification.)</p> <p>21 - - -</p> <p>22 BY MS. SMITH:</p> <p>23 Q. Ms. Twigg, do you recognize this</p> <p>24 document?</p>                                               |



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| <p>Page 14</p> <p>1 A. I do.</p> <p>2 Q. Is this an offer letter that you</p> <p>3 received from Schuylkill County?</p> <p>4 A. It was.</p> <p>5 Q. It's signed by defendant George Bender?</p> <p>6 A. Uh-huh.</p> <p>7 Q. And it's dated January 2, 2018, correct?</p> <p>8 A. Yes.</p> <p>9 Q. Did you apply for this position of human</p> <p>10 resources director?</p> <p>11 A. Yes.</p> <p>12 Q. How did you come to learn of the</p> <p>13 position?</p> <p>14 A. I was told about it by Darlene Robins,</p> <p>15 who was the president of the Manufacturers</p> <p>16 Association of Schuylkill County. I think it's</p> <p>17 Schuylkill and Luzerne, but I am not sure.</p> <p>18 Q. Did you interview for the position?</p> <p>19 A. I did.</p> <p>20 Q. With whom?</p> <p>21 A. Initially I had a lunch meeting with</p> <p>22 George and Darlene at Roma Pizza. And then I went</p> <p>23 and met with all three commissioners, Commissioner</p> <p>24 Staudenmeier, Commissioner Hess, Commissioner</p>                                                                                                      | <p>Page 16</p> <p>1 Q. When you say listed here, you mean on</p> <p>2 the top?</p> <p>3 A. Oh, sorry. Yes. Heather Garrity, Angel</p> <p>4 Burnham Mitchell, and Paula Mushron, yes.</p> <p>5 Q. Just because we're going to end up</p> <p>6 driving the court reporter crazy, just wait until</p> <p>7 my full question is asked.</p> <p>8 A. Oh, sorry.</p> <p>9 Q. I know it will seem conversational, but</p> <p>10 we have to be very rigid. It's a little bit</p> <p>11 uncomfortable, but just for the court reporter's</p> <p>12 sanity.</p> <p>13 When you met with the three</p> <p>14 commissioners first, was it an interview where</p> <p>15 there was questions about your capabilities and</p> <p>16 your experience or was it something different?</p> <p>17 A. No, it was an interview. They asked</p> <p>18 about my -- I think, I mean, it's been how many</p> <p>19 years.</p> <p>20 They asked about my abilities, my</p> <p>21 experience in human resources.</p> <p>22 Q. When you met with Defendant Halcovage</p> <p>23 and Darlene Robinson at Roma, what was the</p> <p>24 conversation like there, if you remember?</p> |
| <p>Page 15</p> <p>1 Halcovage. I met with Glenn Roth and Gary Bender.</p> <p>2 I think Lisa Mahall was also involved in that</p> <p>3 interview. I can't remember, though.</p> <p>4 Q. So when you say you met with George and</p> <p>5 Darlene at Roma Pizza, are you referring to</p> <p>6 Defendant George Halcovage?</p> <p>7 A. Yes. Sorry.</p> <p>8 Q. It's okay.</p> <p>9 And then you said you met with all three</p> <p>10 commissioners?</p> <p>11 A. Uh-huh.</p> <p>12 Q. Glenn Roth, you think Lisa Mahall was</p> <p>13 involved?</p> <p>14 A. I think.</p> <p>15 Q. Was that all in one meeting or were they</p> <p>16 separate?</p> <p>17 A. No. It was two different meetings. The</p> <p>18 three commissioners was the first meeting. Then I</p> <p>19 went and met with Mr. Bender and Ms. Roth and I</p> <p>20 believe Ms. Mahall. But they also brought in the</p> <p>21 three different people who worked in human</p> <p>22 resources one by one after that. But when I was</p> <p>23 with Bender and Roth, they brought in this three</p> <p>24 other individuals, the three people listed here.</p> | <p>Page 17</p> <p>1 A. Again, it was questioning my knowledge,</p> <p>2 skills, and abilities about human resources, but</p> <p>3 it was also conversational. I mean, he went first</p> <p>4 through ninth grade with my sister, that came out</p> <p>5 in the conversation. That had nothing to do with</p> <p>6 my knowledge, skills, and abilities, but it was</p> <p>7 not -- it would have been a topic of conversation</p> <p>8 in an interview with someone who might be</p> <p>9 familiar.</p> <p>10 Q. Okay.</p> <p>11 So that was perfect example, leads to my</p> <p>12 next question.</p> <p>13 Did you know Defendant Halcovage before</p> <p>14 you met with him at Roma Delight?</p> <p>15 A. No. I had seen him at chamber</p> <p>16 functions, but I had never been introduced to him,</p> <p>17 I did think, and I did not know him.</p> <p>18 Q. Did you know Defendant Gary Bender</p> <p>19 before you interviewed?</p> <p>20 A. No.</p> <p>21 Q. Did you defendant Glenn Roth before you</p> <p>22 interviewed?</p> <p>23 A. No.</p> <p>24 Q. After you interviewed, were those the --</p>                                    |

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| <p>Page 18</p> <p>1 strike that.</p> <p>2 Were those interviews before this</p> <p>3 January 2, 2018 --</p> <p>4 A. Yes.</p> <p>5 Q. -- offer letter?</p> <p>6 A. The initial interview with Mr. Halcavage</p> <p>7 and Darlene Robbins was October time frame of</p> <p>8 2017. I then ran into Commissioner Halcavage at a</p> <p>9 chamber Christmas party at the country club, which</p> <p>10 was mid December maybe. We chatted about the job.</p> <p>11 Then in, had to be, early January, might of even</p> <p>12 been on the same day, I don't remember, I was -- I</p> <p>13 received a call to come in and meet with the</p> <p>14 commissioners, Mr. Bender, Mr. Roth.</p> <p>15 Q. Okay.</p> <p>16 At any point during any of the</p> <p>17 interviews or conversations you had with Defendant</p> <p>18 Halcavage before receiving this offer letter,</p> <p>19 other than what you mentioned about him having</p> <p>20 gone to school with your sister, was it?</p> <p>21 A. Uh-huh.</p> <p>22 Q. Did who you know in the county come up?</p> <p>23 A. I don't think so, because I had just</p> <p>24 moved home after almost 40 years, so I didn't</p> | <p>Page 20</p> <p>1 A. Yes, I do.</p> <p>2 Q. This is your resume, correct?</p> <p>3 A. It's an old resume, but yes.</p> <p>4 Q. Is this the resume that you provided to</p> <p>5 Schuylkill County --</p> <p>6 A. Yes.</p> <p>7 Q. -- in connection with your application</p> <p>8 for employment?</p> <p>9 A. Uh-huh.</p> <p>10 Q. Is that a yes?</p> <p>11 A. Well, actually I think Darlene provided</p> <p>12 it because the offer letter was done at this</p> <p>13 address and it had already been a year since I</p> <p>14 lived there. I believe initially my resume was</p> <p>15 provided to them by -- to Mr. Halcavage by</p> <p>16 Darlene.</p> <p>17 Q. Okay.</p> <p>18 This resume, if we look to Page 1204 at</p> <p>19 the bottom. Yup. Perfect.</p> <p>20 A. Uh-huh.</p> <p>21 Q. Under education it indicates that you</p> <p>22 received your bachelor's in psychology from the</p> <p>23 University of Alaska; is that correct?</p> <p>24 A. Correct.</p>                                                                                                                                     |
| <p>Page 19</p> <p>1 really know many people at that point.</p> <p>2 Q. Is Schuylkill County where you were</p> <p>3 raised?</p> <p>4 A. Yes.</p> <p>5 Q. And you just indicated you had left the</p> <p>6 county for a significant period of time?</p> <p>7 A. Yes.</p> <p>8 Q. When did you leave the county?</p> <p>9 A. I graduated in June of 1979 and I left</p> <p>10 by that September.</p> <p>11 Q. That's high school you graduated?</p> <p>12 A. Sorry. Yeah.</p> <p>13 MS. SMITH: We are going to put</p> <p>14 this one over here and I am going to mark as</p> <p>15 Exhibit 77, for the record it's Bates stamped 1200</p> <p>16 Schuylkill County to 1205.</p> <p>17 ---</p> <p>18 (Bates 1200 marked as Exhibit-77 for</p> <p>19 identification.)</p> <p>20 ---</p> <p>21 BY MS. SMITH:</p> <p>22 Q. You now have before you what's been</p> <p>23 marked for today's purposes as Exhibit-77.</p> <p>24 Do you recognize this document?</p>                                                                                                                                                                                                             | <p>Page 21</p> <p>1 Q. Did you specialize or focus in any area</p> <p>2 of psychology?</p> <p>3 A. I did. I focused on the treatment of</p> <p>4 sex offenders, rehabilitation and treatment of sex</p> <p>5 offenders.</p> <p>6 Q. It also indicates that you received your</p> <p>7 master's from Georgia State University; is that</p> <p>8 correct?</p> <p>9 A. Yes.</p> <p>10 Q. It says you majored in community</p> <p>11 counseling?</p> <p>12 A. That was the degree, quote. But for</p> <p>13 the -- a year and half and then after, six months</p> <p>14 after I worked with an individual by the name of</p> <p>15 Jeane Able who is -- again, focusing on the</p> <p>16 treatment of sex offenders.</p> <p>17 Q. In connection with your master's, did</p> <p>18 you write a thesis or anything?</p> <p>19 A. No. We didn't have to do that. I did</p> <p>20 help while working with Mr. Able to write a</p> <p>21 chapter in a book, which focused on the treatment</p> <p>22 of adolescent sex offenders.</p> <p>23 Q. What's the name of that book?</p> <p>24 A. I have it with me. Can I look?</p> |

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| <p>Page 22</p> <p>1 Q. Sure.</p> <p>2 A. It's called the Juvenile Sex Offender.</p> <p>3 Q. This indicated edited by Howard E.</p> <p>4 Barbari, William Marshall, and Steven M. Hudson.</p> <p>5 In this book you said you assisted in</p> <p>6 writing a chapter?</p> <p>7 A. Yes.</p> <p>8 Q. What is the title of that chapter?</p> <p>9 A. It is sexual assault through the</p> <p>10 lifespan, adult offenders with juvenile histories.</p> <p>11 Q. There is -- I am beginning on Page 1,</p> <p>12 back to the exhibit. Beginning on Page 1 of this</p> <p>13 exhibit there is a professional experience, your</p> <p>14 work history listed.</p> <p>15 Do you see that?</p> <p>16 A. Yes.</p> <p>17 Q. Your work history on this application is</p> <p>18 a true and accurate representation of where you</p> <p>19 have worked, it looks like, since 1992?</p> <p>20 A. Yes.</p> <p>21 Q. Can you tell us what is your work</p> <p>22 history do you believe made you qualified to apply</p> <p>23 for the position of human resources director for</p> <p>24 Schuylkill County?</p>                                               | <p>Page 24</p> <p>1 A. I have my senior professions -- SPHR,</p> <p>2 senior professional in human resources</p> <p>3 certificate, which is given -- you sit for a test,</p> <p>4 it's a standardized four-hour test that you have</p> <p>5 to take. You have to take it every three years.</p> <p>6 You have to renew it. You have to have 60</p> <p>7 continuing credit hours, education credit hours.</p> <p>8 I have held that since November or</p> <p>9 December of 1997. This was the certifying body</p> <p>10 for the Society of Human Resource Management.</p> <p>11 Somewhere around 2014, 2015, 2014 or so, the site</p> <p>12 of Human Resources Management sort of ended their</p> <p>13 relationship with that certifying body. They came</p> <p>14 out with their own certification. And I got that</p> <p>15 in 2015, January of 2015, which was when it first</p> <p>16 came into existence from SHRM, Site of Human</p> <p>17 Resource Management. I hold a senior professional</p> <p>18 certification, I guess it's call.</p> <p>19 Q. So those two certification licenses that</p> <p>20 you hold, you held them at all times while you</p> <p>21 were employed by Schuylkill County?</p> <p>22 A. Yes. And still hold them.</p> <p>23 Q. Okay.</p> <p>24 Put that document aside?</p> |
| <p>Page 23</p> <p>1 A. I want to say everything that's listed</p> <p>2 here. I mean, I have had experience in pretty</p> <p>3 much all parts of human resources. I have been --</p> <p>4 well, right now in 2022, I have been working in</p> <p>5 human resources for 30 years. I have developed</p> <p>6 leadership programs, developed performance</p> <p>7 management programs, developed compensation</p> <p>8 structures.</p> <p>9 I have dealt with employee relations</p> <p>10 issues. I had not dealt with labor relations</p> <p>11 issues until I got to the county, but I think even</p> <p>12 if you ask them, they will say I did a very good</p> <p>13 job at that.</p> <p>14 I did coaching. I did succession</p> <p>15 planning. Sorry, I'm looking at it to go through</p> <p>16 everything. I mean, I certainly had the</p> <p>17 knowledge, skills, and abilities for that</p> <p>18 position.</p> <p>19 Q. Can you tell us, do you hold any</p> <p>20 specialized license certificates related to human</p> <p>21 resources?</p> <p>22 A. Yes. I --</p> <p>23 Q. Go ahead. If you can tell us which</p> <p>24 ones.</p> | <p>Page 25</p> <p>1 MS. SMITH: Mark for today's</p> <p>2 purposes as 78, it's Bates stamped Schuylkill</p> <p>3 County 1185.</p> <p>4 - - -</p> <p>5 (Bates Stamped 1185 marked as Exhibit-78</p> <p>6 for identification.)</p> <p>7 - - -</p> <p>8 BY MS. SMITH:</p> <p>9 Q. Ms. Twigg, are you familiar with this</p> <p>10 type of document?</p> <p>11 A. I am.</p> <p>12 Q. This is -- it's titled personal action</p> <p>13 request, correct?</p> <p>14 A. Correct.</p> <p>15 Q. Commonly referred to in the county as a</p> <p>16 PAR?</p> <p>17 A. Correct.</p> <p>18 Q. Can you tell us what PARs are used for</p> <p>19 in Schuylkill County?</p> <p>20 A. They are used to -- sort of the official</p> <p>21 document to hire, to terminate, to any kind of pay</p> <p>22 increase, any kind of -- well, technically any</p> <p>23 kind of title change, I guess, should also be on</p> <p>24 this.</p>                                                                                                                                                                                                                                                                                                                                                                                            |

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| <p>Page 26</p> <p>1 Q. The top box, for lack of a better word,</p> <p>2 there's employment, termination, retirement,</p> <p>3 promotion, resignation, and transfer?</p> <p>4 A. Uh-huh.</p> <p>5 Q. This form would be used for all those</p> <p>6 things, correct?</p> <p>7 A. Yes. Yes.</p> <p>8 Q. Who can complete a PAR?</p> <p>9 A. Literally fill it out, a department head</p> <p>10 can. HR can. County administrator can. Anyone</p> <p>11 who -- any supervisor, I would assume can, but</p> <p>12 they still have to get it approved by the proper</p> <p>13 chain of command.</p> <p>14 Q. This one here is for you, it's your new</p> <p>15 employee PAR, correct?</p> <p>16 A. Uh-huh, yes.</p> <p>17 Q. Let's say the person who is the subject</p> <p>18 of the PAR, would someone who is not that person,</p> <p>19 supervisor or potential new supervisor, be able to</p> <p>20 complete a PAR for them?</p> <p>21 A. I'm not sure what you're asking.</p> <p>22 MR. LETTRICH: Objection to the</p> <p>23 form.</p> <p>24 But if you understand, you can</p>                                               | <p>Page 28</p> <p>1 of human resources director, correct?</p> <p>2 A. Correct.</p> <p>3 Q. It indicates an effective date of</p> <p>4 January 8, 2018?</p> <p>5 A. Correct.</p> <p>6 Q. It also indicates that you were to begin</p> <p>7 in a pay range of nine and a step of two.</p> <p>8 Do you see that?</p> <p>9 A. Yes.</p> <p>10 Q. Your starting salary was to be \$64,040?</p> <p>11 A. Yup.</p> <p>12 Q. Who determines your pay range, step, and</p> <p>13 starting salary?</p> <p>14 A. I would believe that would be George</p> <p>15 Bender and/or the commissioners.</p> <p>16 Q. Did you negotiate or attempt to</p> <p>17 negotiate that?</p> <p>18 A. Yes.</p> <p>19 Q. Who did you attempt to negotiate that</p> <p>20 with?</p> <p>21 A. Mr. Bender and Mr. Roth.</p> <p>22 Q. Tell us about those conversations or</p> <p>23 negotiations.</p> <p>24 A. Mr. Bender was quite stern and said it</p>                                                                                                                                                                                                                    |
| <p>Page 27</p> <p>1 answer.</p> <p>2 BY MS. SMITH:</p> <p>3 Q. So if for instance, the person who is</p> <p>4 the subject of the PAR was someone in the</p> <p>5 treasurer's office?</p> <p>6 A. Uh-huh.</p> <p>7 Q. And they were transferring to, let's</p> <p>8 say, the district attorney's office, would someone</p> <p>9 who was neither supervisor a supervisor in the</p> <p>10 treasurer's or a supervisor in the district</p> <p>11 attorney's office be able to complete a PAR for</p> <p>12 that transfer or should it be the current or</p> <p>13 future supervisor?</p> <p>14 A. When you say complete, could they fill</p> <p>15 it out, yes. But it still should be signed off by</p> <p>16 the person's supervisor.</p> <p>17 Q. Okay.</p> <p>18 A. I would think -- I would also think if</p> <p>19 it were not -- determination, it's going to be</p> <p>20 done by -- it can be done by human resources. I</p> <p>21 mean, human resources can do it as well.</p> <p>22 Q. Understood.</p> <p>23 This PAR for you indicates that you were</p> <p>24 being recommended for appointment to the position</p> | <p>Page 29</p> <p>1 is what it was, I could take it or not. I asked</p> <p>2 if there was anyone else I could speak to about</p> <p>3 it, he said I could. I could speak to the</p> <p>4 commissioners, but I knew that if I did that, it</p> <p>5 would not be a positive start to a new job, so I</p> <p>6 accepted the salary.</p> <p>7 I was also told that you cannot -- you</p> <p>8 have to start at the bottom of a pay range, which</p> <p>9 clearly is not the case because people that were</p> <p>10 hired after me, were hired at a much higher level.</p> <p>11 Q. When you say the bottom of a pay range,</p> <p>12 what are you --</p> <p>13 A. Step 1. Actually this is Step 2, I am</p> <p>14 not sure why.</p> <p>15 Q. Okay.</p> <p>16 So they told you that you could not</p> <p>17 start at anything but a low level step or --</p> <p>18 A. Yes.</p> <p>19 Q. -- the bottom step?</p> <p>20 A. Yup.</p> <p>21 Q. What about the pay range, where does</p> <p>22 that come from? Did Glenn indicate that?</p> <p>23 A. There's a list that lists the different</p> <p>24 salary steps -- the range and the steps.</p> |



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| <p>Page 30</p> <p>1 Q. It's like a matrix, right?</p> <p>2 A. Yes, exactly.</p> <p>3 Q. You go down -- one column would be</p> <p>4 range, one column would be step and you find a</p> <p>5 box?</p> <p>6 A. Exactly. And it goes from like 1 to</p> <p>7 like 16 or 18. I mean, it's been a couple years,</p> <p>8 so I don't remember.</p> <p>9 Q. But the range, do you know how that's</p> <p>10 determined? Is it based off years of experience</p> <p>11 or where does that --</p> <p>12 A. It was there. I asked those questions</p> <p>13 because they were clearly not current and it</p> <p>14 doesn't change. It's done and it stays there.</p> <p>15 Q. Where is your opinion of that statement,</p> <p>16 the information for that coming from? Was that</p> <p>17 something someone said to you or..?</p> <p>18 A. I had a conversation with Mr. Bender at</p> <p>19 one point, stating that I felt the ranges were not</p> <p>20 current and he made it very clear we would not be</p> <p>21 reviewing it.</p> <p>22 Q. The very bottom of this form there's a</p> <p>23 human resources recommendation section.</p> <p>24 Do you see that?</p> | <p>Page 32</p> <p>1 A. It would then go to human resources to</p> <p>2 be put on the agenda, the PAR list for the</p> <p>3 commissioner meeting on Wednesday.</p> <p>4 Q. And in order -- before putting it on the</p> <p>5 PAR list of the commission's agenda, does HR</p> <p>6 review it and make a decision whether it's</p> <p>7 approved, disapproved, or informational?</p> <p>8 A. Could you repeat that?</p> <p>9 Q. So before -- so you said the person</p> <p>10 completing the PAR would take it down to human</p> <p>11 resources. And at some point then it would be</p> <p>12 placed on the agenda for the commissioners</p> <p>13 meeting?</p> <p>14 A. Yes.</p> <p>15 Q. There's this human resources</p> <p>16 recommendation section with three options, does</p> <p>17 human resources review the PAR to decide approve,</p> <p>18 disapprove, or informational?</p> <p>19 A. Yes. Yes. Can I expound?</p> <p>20 Q. Sure.</p> <p>21 A. What I would I do, I would sit with --</p> <p>22 in this -- when I was there, it was Heather</p> <p>23 Garrity who was the human resources specialist, I</p> <p>24 think was her title. We would review all of the</p>                                                             |
| <p>Page 31</p> <p>1 A. Yeah.</p> <p>2 Q. It's circled and it looks like there's</p> <p>3 the initials GB.</p> <p>4 Do you see that?</p> <p>5 A. Yes.</p> <p>6 Q. Do you know whose initials those are?</p> <p>7 A. Yeah. They are Gary Bender's.</p> <p>8 Q. And he circled approved, correct?</p> <p>9 A. Correct.</p> <p>10 Q. Do you know what happens if that -- so</p> <p>11 let me ask this: After a PAR is completed by --</p> <p>12 the from, so in this case it was Gary Bender at</p> <p>13 the top, does it go to HR; is that the next step</p> <p>14 for a PAR?</p> <p>15 A. Are you asking after it's been approved?</p> <p>16 Q. No. So if for instance in this case, at</p> <p>17 the top it says Gary Bender is the from, so he's</p> <p>18 the one completing --</p> <p>19 A. Right.</p> <p>20 Q. -- the PAR, right?</p> <p>21 A. Yes.</p> <p>22 Q. Once he completes the PAR, what</p> <p>23 should -- like fills it out, what should he do</p> <p>24 with it?</p>                                                                                                                                                                           | <p>Page 33</p> <p>1 PARs. We would review the agenda, the list. And</p> <p>2 typically then I would indicate approved or</p> <p>3 informational, whichever was the case.</p> <p>4 Q. So what's the difference between</p> <p>5 approved and informational?</p> <p>6 A. Informational is something that the</p> <p>7 commissioners do not have to vote on. When I</p> <p>8 started at the county, things that included</p> <p>9 informational, someone who was hired in an elected</p> <p>10 officials office because technically the elected</p> <p>11 official under 1620, has the right to hire, fire,</p> <p>12 and discipline. So the commissioners did not</p> <p>13 necessarily vote on that person being hired or</p> <p>14 terminated, I guess.</p> <p>15 Q. Anything else that would have been</p> <p>16 informational?</p> <p>17 A. At some point in time, it was -- the</p> <p>18 process was changed and someone who resigned also</p> <p>19 became informational because there's no point in</p> <p>20 voting if someone resigns. There is no point in</p> <p>21 voting, they are resigning. They can vote no, but</p> <p>22 that person's resigning.</p> <p>23 Q. Understood.</p> <p>24 What happens if -- when would an HR</p> |

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| <p>Page 34</p> <p>1 individual circle disapproved?</p> <p>2 A. I don't know that I ever did.</p> <p>3 Q. Do you know for what reason it would be</p> <p>4 used?</p> <p>5 A. I mean, I could guess, but no.</p> <p>6 Q. Okay.</p> <p>7 A. I mean, because here's -- if it's</p> <p>8 disapproved, you're not -- it's not going to get</p> <p>9 to the point of HR to be on the agenda, I don't</p> <p>10 think.</p> <p>11 Q. So for instance, if a potential employee</p> <p>12 was being recommended by someone, let's say, a</p> <p>13 supervisor of a division wants to hire someone,</p> <p>14 they recommend them and they send the PAR, would</p> <p>15 HR interview that person?</p> <p>16 A. Not necessarily.</p> <p>17 Q. Okay.</p> <p>18 If they did -- there was instances where</p> <p>19 they did interview people, though?</p> <p>20 A. Not usually. I mean, if it was a</p> <p>21 management level, I would get involved. If it was</p> <p>22 someone -- no. If someone was coming into HR, we</p> <p>23 would interview them. But if someone was coming</p> <p>24 into tax claim, tax assessment, no. I mean, we</p> | <p>Page 36</p> <p>1 A. The person who has the ultimate</p> <p>2 authority for what's on the agenda and not on the</p> <p>3 agenda is the commissioner chair, is my</p> <p>4 understanding.</p> <p>5 Q. Did Defendant Halcovage serve as</p> <p>6 commissioner chair at any time during your</p> <p>7 employment?</p> <p>8 A. Yes.</p> <p>9 Q. Was it the entirety of your employment?</p> <p>10 A. No. He stepped down as chair, I guess</p> <p>11 it had to be late June, early July of 2020, after</p> <p>12 this whole lawsuit started.</p> <p>13 Q. From the time you were hired until June</p> <p>14 or July of 2020, you believe he was --</p> <p>15 A. I know he was chair.</p> <p>16 Q. Until he stepped down, he was the chair?</p> <p>17 A. Yes.</p> <p>18 Q. Was there any time that you can recall</p> <p>19 that Defendant Halcovage sent word back that</p> <p>20 something should be removed from the agenda?</p> <p>21 A. Yes.</p> <p>22 Q. Do you recall any specific instances?</p> <p>23 A. I knew you were going to ask that.</p> <p>24 I know there were times in the clerk of</p>              |
| <p>Page 35</p> <p>1 would collect resumes. We would forward them. I</p> <p>2 don't recall that we -- we might give a typing</p> <p>3 test if somebody asked us to.</p> <p>4 Q. Okay.</p> <p>5 When you say forward them, you forward</p> <p>6 them to --</p> <p>7 A. The department head, yeah.</p> <p>8 Q. -- the appropriate -- of where the</p> <p>9 person is applying or potentially suited for?</p> <p>10 A. Uh-huh.</p> <p>11 Q. Is that a yes?</p> <p>12 A. Yes.</p> <p>13 Q. You were talking about how if it was</p> <p>14 approved, that it would be placed on the agenda</p> <p>15 for a vote. Did the actual act of placing an</p> <p>16 individual on the agenda for a vote require</p> <p>17 approval of any or all of the commissioners?</p> <p>18 A. It required the approval of Gary Bender.</p> <p>19 However, if something was initially put on the</p> <p>20 agenda, it certainly was not unheard of for word</p> <p>21 to come back that that person needs to be taken</p> <p>22 off the agenda.</p> <p>23 Q. Do you know where that word came back</p> <p>24 from?</p>                                       | <p>Page 37</p> <p>1 courts office where things had been taken off the</p> <p>2 agenda.</p> <p>3 Q. Do you know why those were taken off the</p> <p>4 agenda?</p> <p>5 A. Officially, no. I mean, can I -- if I</p> <p>6 thought of a particular person, could I give my</p> <p>7 perspective of it? Yes. But was I officially in</p> <p>8 a -- told why it was coming off the agenda, not</p> <p>9 necessarily. Not that I can recall.</p> <p>10 Q. This form indicates that Gary Bender,</p> <p>11 county administrator, is the point of contact.</p> <p>12 During your employment with Schuylkill County, was</p> <p>13 Gary Bender your supervisor?</p> <p>14 A. Yes, he was.</p> <p>15 Q. At the top of this document there are</p> <p>16 two stamps of approval.</p> <p>17 Do you see those?</p> <p>18 A. I do.</p> <p>19 Q. One stamp of approval is of Schuylkill</p> <p>20 County's salary board and one is of Schuylkill</p> <p>21 County's commissioners, correct?</p> <p>22 A. Correct.</p> <p>23 Q. Do you know, did Defendant Halcovage</p> <p>24 vote on your appointment to the position of human</p> |

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| <p>1 resources director?</p> <p>2 A. I'm assuming, but I wasn't there, so I</p> <p>3 don't know.</p> <p>4 Q. Okay.</p> <p>5 But you were appointed and did start, so</p> <p>6 you can at least confirm that there was a majority</p> <p>7 vote in your favor?</p> <p>8 A. Yes. Yes.</p> <p>9 Q. The stamps indicate work session.</p> <p>10 Do you see that?</p> <p>11 A. Uh-huh.</p> <p>12 Q. I understand that there are two</p> <p>13 different types of public commissioner's meeting,</p> <p>14 a commissioner's meeting and a work session; is</p> <p>15 that right?</p> <p>16 A. Yes.</p> <p>17 Q. Can you tell us what your understanding</p> <p>18 of the difference between the two is?</p> <p>19 A. No, I can't. One is sort of -- the</p> <p>20 commissioner meeting I believe is like an</p> <p>21 official -- where the official vote is taken. But</p> <p>22 if I remember right, votes were also taken in a</p> <p>23 work session.</p> <p>24 Although, I want to say -- yeah, I want</p>                                                                                                                                         | <p>Page 38</p> <p>1 A. Yes. Yes.</p> <p>2 Q. So then it's fair to say that</p> <p>3 non-commissioners can be present at executive</p> <p>4 session?</p> <p>5 A. Yes.</p> <p>6 Q. At any time when you were present during</p> <p>7 an executive session, do you believe that</p> <p>8 something in violation of the Sunshine Act</p> <p>9 occurred?</p> <p>10 MR. LETTRICH: Object to the form.</p> <p>11 You can answer if you know.</p> <p>12 MS. SMITH: Let me strike that.</p> <p>13 BY MS. SMITH:</p> <p>14 Q. Do you know what the Sunshine Act is?</p> <p>15 A. I'm aware of it. Do I specifically --</p> <p>16 have I read it myself, can I tell you -- can I</p> <p>17 site what it says? No, I can't.</p> <p>18 Q. Do you generally understand that the</p> <p>19 Sunshine Act is why an executive session --</p> <p>20 A. Yes.</p> <p>21 Q. -- what prohibits votes from</p> <p>22 occurring --</p> <p>23 A. Yes.</p> <p>24 Q. -- in executive session?</p> <p>Page 40</p> |
| <p>1 to -- I don't...</p> <p>2 Q. That's okay.</p> <p>3 A. It's been two and a half years, I don't</p> <p>4 remember that.</p> <p>5 Q. Understood.</p> <p>6 There is also meetings that can -- of</p> <p>7 the commissioners that can be held outside the</p> <p>8 presence of the public, correct?</p> <p>9 A. Correct.</p> <p>10 Q. I understand there's two, there's</p> <p>11 executive sessions and informational sessions?</p> <p>12 A. I'm aware of executive session.</p> <p>13 Q. What's your understanding of what can</p> <p>14 occur during an executive session versus what must</p> <p>15 be held in the presence of the public?</p> <p>16 A. My understanding is if there is an issue</p> <p>17 that is not public knowledge, like a personnel</p> <p>18 issue, you could -- you would meet in an executive</p> <p>19 session to discuss the specifics of a situation.</p> <p>20 However, you cannot take a vote in an executive</p> <p>21 session. A vote has to be held in public.</p> <p>22 Q. At executive sessions, do you know --</p> <p>23 have you ever been present at an executive</p> <p>24 session?</p> <p>Page 39</p> | <p>Page 41</p> <p>1 A. Yes.</p> <p>2 Q. Have you ever been present at an</p> <p>3 executive session of the Schuylkill County</p> <p>4 commissioners where you believe essentially a vote</p> <p>5 or a vote was take in violation of the Sunshine</p> <p>6 Act?</p> <p>7 MR. LETTRICH: Objection to form.</p> <p>8 You can answer.</p> <p>9 THE WITNESS: No.</p> <p>10 BY MS. SMITH:</p> <p>11 Q. Okay.</p> <p>12 Were you ever told of an act occurring</p> <p>13 during an executive session that could possibly</p> <p>14 constitute a violation of the Sunshine Act?</p> <p>15 MR. LETTRICH: Same objection.</p> <p>16 You can answer.</p> <p>17 THE WITNESS: Can I ask what you're</p> <p>18 objecting to?</p> <p>19 MR. LETTRICH: It's because of the</p> <p>20 form of the question. It's something that</p> <p>21 necessarily relate to you, it's to the nature of</p> <p>22 the question.</p> <p>23 THE WITNESS: Okay.</p> <p>24 MR. LETTRICH: And I can't explain</p>       |

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| <p>Page 42</p> <p>1 that for reasons related to the --</p> <p>2 THE WITNESS: All right. Okay.</p> <p>3 I'm sorry, can you --</p> <p>4 BY MS. SMITH:</p> <p>5 Q. Did anyone ever tell you or did you ever</p> <p>6 hear that something occurred at executive session</p> <p>7 that may be a violation of Sunshine Act?</p> <p>8 A. Technically, no. Can I expound on that?</p> <p>9 Q. Sure.</p> <p>10 A. Technically, no, I don't believe a vote</p> <p>11 was ever taken, which my understand is a</p> <p>12 violation. Does that mean discussions didn't</p> <p>13 happen and folks pretty much understood where they</p> <p>14 stood on a vote that would be taken, yeah. In</p> <p>15 particular, the more I'm thinking of sitting in a</p> <p>16 prison board meeting where there were a number of</p> <p>17 people, including the commissioners, the</p> <p>18 president, judge, the district attorney, the</p> <p>19 sheriff, the deputy, chief, probably, myself, one</p> <p>20 of the attorneys, you know, you would have a</p> <p>21 conversation about an incident that happened and</p> <p>22 you would talk about the employee relations issue.</p> <p>23 You would leave. You would go take a vote, but</p> <p>24 it -- I mean, I left the room thinking, okay, this</p> | <p>Page 44</p> <p>1 check, including but not limited to a criminal</p> <p>2 background check, correct?</p> <p>3 A. Yes.</p> <p>4 Q. Do you know, are all county employees or</p> <p>5 potential employees to submit to this background</p> <p>6 check?</p> <p>7 A. Yes, I believe so.</p> <p>8 Q. Does that include elected officials?</p> <p>9 A. I don't believe so. I mean, they're</p> <p>10 elected. So if you run a background check,</p> <p>11 whatever you find -- in order to get someone</p> <p>12 removed, you've got to find them -- well, a</p> <p>13 criminal act or impeachment.</p> <p>14 Q. Okay.</p> <p>15 MS. SMITH: 80 is going to be</p> <p>16 Schuylkill County 1198 and 1199.</p> <p>17 - - -</p> <p>18 (Bates Stamped 1198 and 1199 marked as</p> <p>19 Exhibit-80 for identification.)</p> <p>20 - - -</p> <p>21 BY MS. SMITH:</p> <p>22 Q. Do you recognize this document?</p> <p>23 A. I do.</p> <p>24 Q. Is this your application for employment</p> |
| <p>Page 43</p> <p>1 is -- I have an idea where everybody's going to</p> <p>2 vote.</p> <p>3 MS. SMITH: This is 79 for today's</p> <p>4 purposes. It's Bates stamped SC-1187.</p> <p>5 - - -</p> <p>6 (Bates Stamped 1187 marked as Exhibit-79</p> <p>7 for identification.)</p> <p>8 - - -</p> <p>9 BY MS. SMITH:</p> <p>10 Q. Ms. Twigg, have you seen this document</p> <p>11 before?</p> <p>12 A. Apparently because I signed it and</p> <p>13 that's my handwriting, but I don't recall seeing</p> <p>14 it.</p> <p>15 Q. This is an authorization to obtain</p> <p>16 information.</p> <p>17 Would you agree?</p> <p>18 A. Uh-huh.</p> <p>19 Q. Is that a --</p> <p>20 A. Yes. Sorry.</p> <p>21 Q. It's okay.</p> <p>22 Essentially it's an authorization for</p> <p>23 Schuylkill County in connection with your</p> <p>24 application for employment to conduct a background</p>                                                                                                                                                                                                                                                                                                                                                                                                | <p>Page 45</p> <p>1 to --</p> <p>2 A. Yes.</p> <p>3 Q. -- the County of Schuylkill?</p> <p>4 A. Yes.</p> <p>5 Q. It's dated January 3, 2018.</p> <p>6 Do you see that on the front page?</p> <p>7 A. Yes.</p> <p>8 Q. Do you know why your application for</p> <p>9 employment was completed after the offer letter,</p> <p>10 which you received from Mr. Bender?</p> <p>11 A. Yeah, because I filled it out after I</p> <p>12 was hired.</p> <p>13 Q. As I kind of understand from your</p> <p>14 testimony, correct me if I'm wrong, your resume</p> <p>15 was given to Defendant Halcovage by Darlene</p> <p>16 Robinson?</p> <p>17 A. Robins.</p> <p>18 Q. Robins. I'm sorry.</p> <p>19 And then you went through some interview</p> <p>20 process, you were offered a position. That's then</p> <p>21 when you filled out the employment for</p> <p>22 application?</p> <p>23 A. Yes.</p> <p>24 Q. The only way that they knew -- the</p>                                  |



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| <p>Page 46</p> <p>1 County of Schuylkill knew that potentially wanted<br/>2 employment was because Darlene Robins had given<br/>3 your application to Defendant Halcovage?<br/>4 A. Yes.<br/>5 Q. You hadn't filled out another<br/>6 application for employment and actually submitted<br/>7 it to HR?<br/>8 A. No.<br/>9 Would you like me to explain how that<br/>10 happened?<br/>11 Q. Sure.<br/>12 A. As I said, I left the county, moved back<br/>13 home July of 2016. I was introduced to Darlene<br/>14 Robins. She runs the manufacturing association.<br/>15 I put together some trainings for her, so I<br/>16 started a working relationship with her that<br/>17 summer. I taught some trainings for her. I did<br/>18 some contract work for her.<br/>19 At the time, I was -- still had my<br/>20 consulting business. I did HR consulting for 11<br/>21 years in Texas or ten years in Texas. Was<br/>22 continuing to do consulting work, but I needed to<br/>23 start working for -- living in Pennsylvania and<br/>24 working for companies in Texas, I knew that was</p>                                                                                                                                                                                                                                                 | <p>Page 48</p> <p>1 Q. Do you know, was Darlene friends with<br/>2 Commissioner Halcovage?<br/>3 A. I think there certainly is a working<br/>4 relationship with all three commissioners, no<br/>5 matter who they are. And the manufacturing<br/>6 association simply because it's the manufacturing<br/>7 association in the county, it's business.<br/>8 Personally, I have no idea.<br/>9 Q. It seems a little backwards to have an<br/>10 offer of employment letter and an application for<br/>11 employment. Yours is not, I will represent to<br/>12 you, the only person on file where that is the<br/>13 case.<br/>14 A. I know.<br/>15 Q. Can you tell us, do you have any<br/>16 understanding of why individuals would apply for<br/>17 employment, fill out the application for<br/>18 employment after being offered the position?<br/>19 A. What was the -- do I have an<br/>20 understanding as to why?<br/>21 Q. Yes.<br/>22 A. Yeah. Actually it's not so uncommon in<br/>23 business. It's not the standard way to do it, but<br/>24 it happens where, you know, you hear of -- of a</p>                    |
| <p>Page 47</p> <p>1 not going to last long. So I needed to start<br/>2 building a business. And one of the things that I<br/>3 was going to do was to start offering trainings<br/>4 that I did, independently through either the<br/>5 chamber or through my own efforts.<br/>6 I contacted Darlene to let her know that<br/>7 I was going to be doing that, because I knew that<br/>8 she would not be happy because she would see it as<br/>9 computation of for people taking her trainings.<br/>10 And we had an agreement that I would not work with<br/>11 anyone who was direct competition for her with the<br/>12 trainings that I developed for her.<br/>13 I told her through the process that I<br/>14 was -- you know, I needed to increase business or<br/>15 get a regular full-time job. And she said, didn't<br/>16 know you were looking for a full-time job. I said<br/>17 I'm not looking, but not, not looking if something<br/>18 came along. She said I think I know someone who<br/>19 might need your services, let me call you right<br/>20 back. She called half an hour later and basically<br/>21 said, what are you doing next Tuesday, I think it<br/>22 was. I said I don't know, what am I doing next<br/>23 Tuesday. She said you're going to have lunch with<br/>24 myself and Commissioner Halcovage.</p> | <p>Page 49</p> <p>1 job. It's, hey, speak -- just like I said, she<br/>2 called, she knew of a job. She called, she said,<br/>3 hey, I have a lead for you.<br/>4 I mean, the most recent job I had the<br/>5 same thing happen. I got a phone call from them<br/>6 because they found my resume online and said, hey,<br/>7 I went in, I had the interviews, and literally<br/>8 didn't fill out the application for employment<br/>9 until they had to do the backgrounds check.<br/>10 Q. At any point during your employment with<br/>11 the county, did you hear or come to learn that<br/>12 Defendant Halcovage hand selected anyone for a<br/>13 specific position at the county?<br/>14 A. I have heard that statement before, yes.<br/>15 Q. Who told you that?<br/>16 A. It was -- I can't remember a specific<br/>17 person. It wasn't like I heard it one time.<br/>18 Q. So it's something you heard more than<br/>19 one time?<br/>20 A. Oh, yeah.<br/>21 Q. Would you say it was, I guess, a<br/>22 common -- commonly talked about by county<br/>23 employees?<br/>24 A. Yes, I would say that. But in all</p> |

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| <p>Page 50</p> <p>1 fairness I have to say, if there was an opening, I</p> <p>2 would have -- I met with Gary Bender every day</p> <p>3 mostly. If there was an open position, he would</p> <p>4 regularly say he would check with the</p> <p>5 commissioners to see if anyone of them had a</p> <p>6 particular person in mind for that position.</p> <p>7 Q. Okay.</p> <p>8 A. It wasn't just Commissioner Halcovage.</p> <p>9 I think it happened with all three commissioners.</p> <p>10 Q. Do you agree Schuylkill County -- well,</p> <p>11 geographically it might be large. It's a small</p> <p>12 county in population?</p> <p>13 A. Absolutely.</p> <p>14 Q. An everybody knows everybody type town?</p> <p>15 A. Yes.</p> <p>16 MS. SMITH: Mark this as 81. It is</p> <p>17 Bates 1138 through 1140.</p> <p>18 - - -</p> <p>19 (Bates Stamped 1138-1140 marked as</p> <p>20 Exhibit-81 for identification.)</p> <p>21 - - -</p> <p>22 BY MS. SMITH:</p> <p>23 Q. Now marked for the record Exhibit 81,</p> <p>24 it's Bates 1138 through 1140.</p> | <p>Page 52</p> <p>1 A. Yes.</p> <p>2 Q. And at all times during your employment</p> <p>3 that was Defendant Bender?</p> <p>4 A. Yes.</p> <p>5 Q. I want you to take a look over the</p> <p>6 essential duties and responsibilities, which</p> <p>7 begins on Page 1.</p> <p>8 Let me know when you're finished.</p> <p>9 A. Okay.</p> <p>10 Q. At any time during your employment, were</p> <p>11 there any -- are any of the essential duties and</p> <p>12 responsibilities that are listed there, were you</p> <p>13 unable to perform them?</p> <p>14 A. I don't understand. My ability?</p> <p>15 Q. Were you always during your employment</p> <p>16 able to perform any and all of these essential</p> <p>17 duties and responsibilities?</p> <p>18 A. I have the knowledge, skills, and</p> <p>19 abilities, yes.</p> <p>20 Q. If we look to the first essential duty</p> <p>21 and responsibilities, it says: Conduct employee</p> <p>22 relations, activities. Arrange and schedule</p> <p>23 meetings between grieving workers, union stewards,</p> <p>24 and managerial personnel to investigate and</p>               |
| <p>Page 51</p> <p>1 Ms. Twigg, do you recognize this</p> <p>2 document?</p> <p>3 A. Yes.</p> <p>4 Q. This is the job classification</p> <p>5 description for the position of human resources</p> <p>6 director at Schuylkill County, correct?</p> <p>7 A. Yes.</p> <p>8 Q. If we turn to the last page, it is dated</p> <p>9 November 17 -- November 2017. Do you see that?</p> <p>10 A. I do.</p> <p>11 Q. Does that mean that this policy -- this</p> <p>12 job classification description went into effect in</p> <p>13 November 2017?</p> <p>14 A. This particular version, yes.</p> <p>15 Q. So this was the job classification</p> <p>16 description for your position when you started for</p> <p>17 the county, correct?</p> <p>18 A. Yes.</p> <p>19 Q. Did this change at any point during your</p> <p>20 employment?</p> <p>21 A. No.</p> <p>22 Q. Also on that last page it indicates, as</p> <p>23 we talked about before, that the position reports</p> <p>24 to the county administrator?</p>                                                   | <p>Page 53</p> <p>1 resolve grievances.</p> <p>2 Do you see that?</p> <p>3 A. Yes.</p> <p>4 Q. Can you tell us what your understanding</p> <p>5 and knowledge is of the grievance process. If an</p> <p>6 employee who is a union member has an issue, they</p> <p>7 bring it to the attention of their supervisor?</p> <p>8 A. Correct.</p> <p>9 Q. It's something that could result in the</p> <p>10 filing of a grievance, what should happen?</p> <p>11 A. There was six different unions. So</p> <p>12 there could be six different answers to this</p> <p>13 question.</p> <p>14 Q. Okay.</p> <p>15 A. But let me --</p> <p>16 Q. So then let me specify then.</p> <p>17 The union that a tax assessment employee</p> <p>18 is in, the tax assessment employee says to their</p> <p>19 manager or supervisor, hey, I have this issue,</p> <p>20 what, if anything, should that manager and/or on</p> <p>21 conjunction with the employee do next?</p> <p>22 A. If an employee had an issue, and I think</p> <p>23 this would cover all of them, but they would</p> <p>24 initially go to their supervisor. If they could</p> |

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| <p>Page 54</p> <p>1 not resolve it with supervisor, if the supervisor<br/>2 was not the head of the department, they<br/>3 technically would then go to the head of the<br/>4 department. If that couldn't be resolved, they<br/>5 would come to HR. We could have -- we would have<br/>6 a formal meeting. The union member would have the<br/>7 ability, the right to have a union representative<br/>8 there. In that case, most of the time it was the<br/>9 union steward. If we're speaking specifically for<br/>10 tax claims, tax assessment it was union steward in<br/>11 the absence of the union. We would have a<br/>12 meeting, address the issues, come up with possible<br/>13 solutions.</p> <p>14 And it depends if -- was it the employee<br/>15 having a problem or was it a disciplinary action<br/>16 type situation.</p> <p>17 Q. Well, let's give you a specific example.<br/>18 If an employee was placed on the PAR --<br/>19 had a PAR completed and was placed on the agenda<br/>20 for resignation and they were not resigning and<br/>21 they brought that issue to their supervisor, hey,<br/>22 I'm not resigning, what would the scenario be in<br/>23 that case?</p> <p>24 A. I would assume if they went and said,</p> | <p>Page 56</p> <p>1 interactive process first?</p> <p>2 A. The form itself, I don't remember. The<br/>3 contract itself, I don't remember.</p> <p>4 Q. Okay.</p> <p>5 A. If you have a copy of a form or a<br/>6 contract.</p> <p>7 Q. Yup, we can get that for you during the<br/>8 break.</p> <p>9 A. Okay.</p> <p>10 Q. The next portion of No. 1 says: Serve<br/>11 as equal employment opportunity officer and<br/>12 Americans with Disabilities Act officer. Review<br/>13 and respond to complaints regarding employment<br/>14 discrimination.</p> <p>15 If an employee of the county during your<br/>16 employment had filed an EEOC charge, would you be<br/>17 tasked with filing a response or a position<br/>18 statement, as they call it?</p> <p>19 A. Yeah. I would be tasked with conducting<br/>20 an investigation and then responding, yes.</p> <p>21 Q. Would that response -- would you do that<br/>22 with -- in conjunction with any other employees of<br/>23 the county?</p> <p>24 A. I guess it would depend. I don't know</p>                                                          |
| <p>Page 55</p> <p>1 hey, I'm not resigning, that a supervisor would<br/>2 then have a discussion with them about -- I mean,<br/>3 how did the miscommunication happen. How did the<br/>4 supervisor think they were resigning. I would<br/>5 then -- if they can't -- couldn't resolve it, I<br/>6 would think they would go to their -- technically<br/>7 they could go to HR and then they could call for a<br/>8 meeting with a union representative. And<br/>9 obviously HR and the supervisor and everybody get<br/>10 in the meeting.</p> <p>11 Q. So in that scenario, if the employee<br/>12 went to the direct supervisor, so if it was an<br/>13 assessment office employee and they went to the<br/>14 chief assessor and said, hey, I saw it on the<br/>15 agenda for resignation, I'm not resigning, should<br/>16 the chief assessor ever tell the employee, you<br/>17 need to file a grievance without engaging in any<br/>18 interactive discussion?</p> <p>19 A. They could.</p> <p>20 Q. Okay.</p> <p>21 A. Wouldn't -- they could.</p> <p>22 Q. Do you know, does the grievance form<br/>23 indicate that the chief assessor, the head of the<br/>24 department, is supposed to engage in an</p>                                      | <p>Page 57</p> <p>1 that we ever had an EEOC claim, except the one<br/>2 we're talking about, this one. I can tell you, I<br/>3 conducted the investigation, sometimes in<br/>4 conjunction with Solicitor Roth, in particular<br/>5 when we interviewed -- do I have to use the Jane<br/>6 Does or can I use --</p> <p>7 Q. You can use their name.</p> <p>8 A. When we interviewed Jane Doe 2, it was<br/>9 in conjunction with Jane Doe 3 and Jane Doe 4 and<br/>10 Gary Bender, but that was at the request of Jane<br/>11 Doe 2. Otherwise I would have spoken with Jane<br/>12 Doe 2 alone.</p> <p>13 Q. Okay.</p> <p>14 And just for the record, when you're<br/>15 referring to Jane Doe 2, that's Jane Doe 2,<br/>16 correct?</p> <p>17 A. Sorry. Yes.</p> <p>18 Q. It's okay.</p> <p>19 It was her request that Jane Doe 3, Jane<br/>20 Doe 4, and Mr. Bender be there or that just --</p> <p>21 A. Yes. That's my -- well, I got that from<br/>22 Jane Doe 3, that's my understanding.</p> <p>23 Q. Did you prepare any position statement<br/>24 for the county in regards to this litigation, EEOC</p> |

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| <p>Page 58</p> <p>1 charge?</p> <p>2 A. When you say a position statement, are</p> <p>3 you talking about the final report after all the</p> <p>4 investigations were done?</p> <p>5 Q. A response to an EEOC charge, so</p> <p>6 something that was submitted -- did you prepare --</p> <p>7 A. No, because the EEOC charge hadn't been</p> <p>8 filed yet.</p> <p>9 Q. Okay.</p> <p>10 Sometimes these questions might seem</p> <p>11 obvious, but we just have to make a record of</p> <p>12 everything that happened.</p> <p>13 A. Okay.</p> <p>14 Q. Because you know what happened and a lot</p> <p>15 of us from reading paperwork know what happened,</p> <p>16 but we need to make sure we have it correct and on</p> <p>17 the record.</p> <p>18 A. Okay.</p> <p>19 Q. No. 2, under essential duties: Perform</p> <p>20 job analysis and prepare changes to classification</p> <p>21 of descriptions. So that would be -- it indicates</p> <p>22 you might have prepared changes to something, a</p> <p>23 document that looks like this one for other</p> <p>24 positions?</p>                                         | <p>Page 60</p> <p>1 offices would be joined, in a sense, and they</p> <p>2 would -- there would be one person over that</p> <p>3 office, over tax claim/tax assessment, yes.</p> <p>4 Q. And --</p> <p>5 A. I revised those job descriptions, yes.</p> <p>6 Q. You took the chief assessor job</p> <p>7 description and the director of tax claim bureau</p> <p>8 and essentially made one hybrid --</p> <p>9 A. Yes.</p> <p>10 Q. -- description from those two?</p> <p>11 A. Yes.</p> <p>12 Q. When you did that, did anyone else</p> <p>13 provide input or was anyone else involved in that?</p> <p>14 A. I mean, I did it. It was reviewed by</p> <p>15 Gary Bender. I believe I worked in conjunction</p> <p>16 with Jane Doe 3 when I did it to make sure I had</p> <p>17 the duties and responsibilities right because</p> <p>18 there were things that she was going to -- would</p> <p>19 be in her job description. There were things that</p> <p>20 the assistant director, who would be Jane Doe 4,</p> <p>21 that would be in her job description. I worked</p> <p>22 with her in identifying which duties and</p> <p>23 responsibilities each of them would have to make</p> <p>24 sure I had it accurate.</p> |
| <p>Page 59</p> <p>1 A. Well --</p> <p>2 MS. IPPOLITO: Can you state for</p> <p>3 the record that it's Exhibit 81 that you're</p> <p>4 referring to when you said a document like this</p> <p>5 one.</p> <p>6 MS. SMITH: Yes.</p> <p>7 BY MS. SMITH:</p> <p>8 Q. The document before you that we have</p> <p>9 been speaking about.</p> <p>10 A. There were times when a new position was</p> <p>11 created and I had to write a job description and</p> <p>12 then had to determine what would be the</p> <p>13 appropriate pay range that it would go in, like</p> <p>14 salary grade. Yes, I did that.</p> <p>15 Is that what you're asking?</p> <p>16 Q. Did you ever make any -- yes, I</p> <p>17 appreciate that answer.</p> <p>18 But also, did you ever make any changes</p> <p>19 to already established job descriptions?</p> <p>20 A. Well, in particular I'm thinking about</p> <p>21 when there was a change made where at one point in</p> <p>22 time, the tax claim office was totally separate</p> <p>23 from the tax assessment office. At some point</p> <p>24 those -- the change was made to where the two</p> | <p>Page 61</p> <p>1 It was reviewed by Gary Bender. I</p> <p>2 assume it was reviewed by the commissioners, I'm</p> <p>3 not sure.</p> <p>4 Q. In particular that instance where the</p> <p>5 two offices, for lack of a better word, were</p> <p>6 joined, this new job description, hybrid job</p> <p>7 description was created or drafted, is that</p> <p>8 something that needs to go on a PAR and then be</p> <p>9 voted on?</p> <p>10 A. Yes. A creation of a new position would</p> <p>11 have to be voted on, yes.</p> <p>12 Q. And in voting on that, the commissioners</p> <p>13 would be provided a copy of the job description to</p> <p>14 review and consider?</p> <p>15 A. Yes.</p> <p>16 Q. If we look to No. 4, collaborates with</p> <p>17 benefit administrator to manage health and welfare</p> <p>18 plans, including enrollments and terminations,</p> <p>19 process required documents through payroll and</p> <p>20 insurance providers to ensure accurate record</p> <p>21 keeping and proper deduction.</p> <p>22 Do you see that?</p> <p>23 A. I do.</p> <p>24 Q. If there were issues, questions,</p>                                                                                             |



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| <p>Page 62</p> <p>1 concerns with an employee's enrollment in the</p> <p>2 health and welfare plans of the county, is that</p> <p>3 something that their questions and concerns should</p> <p>4 be directed to HR?</p> <p>5 A. Yes.</p> <p>6 Q. And HR's director should be able to</p> <p>7 answer that employee's questions or concerns,</p> <p>8 maybe alone or with -- at least with the</p> <p>9 assistance of a benefit administrator, correct?</p> <p>10 A. I would say with the assistance of the</p> <p>11 insurance broker.</p> <p>12 Q. Well, okay. So let me get it more</p> <p>13 specific so I can make sure I know who needs to be</p> <p>14 involved.</p> <p>15 A. Okay.</p> <p>16 Q. Let's start with this one, if an</p> <p>17 employee wanted to know if they took another</p> <p>18 position within the county, if that would affect</p> <p>19 their enrollment in the health and welfare plans,</p> <p>20 would there be a waiting period, for instance, is</p> <p>21 that something that -- who would have that</p> <p>22 information to be able to answer those questions?</p> <p>23 A. I think the benefits administrator</p> <p>24 might, but the HR director is going to know more</p>      | <p>Page 64</p> <p>1 A. Sure.</p> <p>2 Q. Can you tell us some of those people?</p> <p>3 A. Deb Detweiler, she worked full time in</p> <p>4 tax assessment and she was also a deputy coroner.</p> <p>5 Q. Anyone else?</p> <p>6 A. I'm sure there were. People -- yeah,</p> <p>7 there were people who worked there that also are</p> <p>8 tax collectors. There are -- it's not uncommon.</p> <p>9 It's not...</p> <p>10 Q. Okay.</p> <p>11 And do those individuals have -- have</p> <p>12 and are entitled to county health and welfare</p> <p>13 plans or enrollment in those plans?</p> <p>14 A. Yes.</p> <p>15 Q. The second portion of that No. 4</p> <p>16 indicates -- on Document 81 indicates, ensure</p> <p>17 accurate recordkeeping and proper deductions.</p> <p>18 Would this include accurate recordkeeping of an</p> <p>19 employee's hours for purposes of health and</p> <p>20 welfare plan enrollment?</p> <p>21 A. Yes.</p> <p>22 Q. Does the county require an employee to</p> <p>23 maintain a certain threshold of hours in order to</p> <p>24 be eligible?</p>                                                                                                                                                                |
| <p>Page 63</p> <p>1 about specific issues like that, I think, then the</p> <p>2 benefits administrator.</p> <p>3 Q. Is that something that the insurance</p> <p>4 individual would need to be involved in or is that</p> <p>5 something the HR director could answer on their</p> <p>6 own?</p> <p>7 A. I think that's something the HR director</p> <p>8 should be able to answer on their own. You would</p> <p>9 have to look at the plan documents and what the</p> <p>10 require -- the parameters and the requirements</p> <p>11 are.</p> <p>12 Q. I know it's been some time and I don't</p> <p>13 mean to take you back to things you may not</p> <p>14 remember, but do you know if there is any county</p> <p>15 policy that prohibits an employee from holding</p> <p>16 more than one position with the county?</p> <p>17 A. No.</p> <p>18 Q. Is there a policy that says if you hold</p> <p>19 two position, you just can't work more than 40</p> <p>20 hours combined; does that sound familiar?</p> <p>21 A. Sorry. I'm thinking about people that I</p> <p>22 knew that had two jobs with the county.</p> <p>23 Q. So there are specific individuals you</p> <p>24 know who held two county jobs?</p> | <p>Page 65</p> <p>1 A. Federal law does. Person must regularly</p> <p>2 work 30 hours. If someone works regularly 30 hour</p> <p>3 a week and an organization offers insurance, then</p> <p>4 that person would be entitled to insurance as</p> <p>5 well. It's 30 hours a week or more.</p> <p>6 Q. In conjunction with the benefits</p> <p>7 administrator, is it the HR director's job to</p> <p>8 ensure accurate recordkeeping for determination of</p> <p>9 an employee's FMLA eligibility?</p> <p>10 A. No. It's in conjunction -- I don't know</p> <p>11 how it is now, I have been gone for two and a half</p> <p>12 years, but at the time it was conjunction with the</p> <p>13 HR specialist. Benefits administrator did not</p> <p>14 handle FMLA.</p> <p>15 Q. Is there a third party -- again, when</p> <p>16 I'm asking you questions, I may say is there,</p> <p>17 meaning we would be talking present tense, but</p> <p>18 obviously I understand you're no longer employed</p> <p>19 by the county, correct?</p> <p>20 A. Right.</p> <p>21 Q. So when I am asking questions, even if I</p> <p>22 am speaking in the presence sense, I'm asking for</p> <p>23 what you knew at the time when you were employed</p> <p>24 there.</p> |

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| <p>Page 66</p> <p>1 A. Okay.</p> <p>2 Q. When you were employed with Schuylkill</p> <p>3 County, was there a third-party contractor or</p> <p>4 agency that Schuylkill County worked with to track</p> <p>5 an employees' hours?</p> <p>6 A. For benefit purposes?</p> <p>7 Q. For FMLA eligibility purposes?</p> <p>8 A. No. That was also done by the HR</p> <p>9 specialist. She had a -- she didn't like it, but</p> <p>10 we found a tracking spreadsheet, an Excel</p> <p>11 spreadsheet that could easily track. She had to</p> <p>12 enter a lot of information, but she would track</p> <p>13 it.</p> <p>14 Q. If we turn to the second page of Exhibit</p> <p>15 81, there's No. 8 at the top.</p> <p>16 It indicates identifies legal</p> <p>17 requirements in government reporting regulations</p> <p>18 effecting human resource functions and policies,</p> <p>19 procedures, and reporting are in compliance.</p> <p>20 Did this include ensuring that county</p> <p>21 policies, such as sexual harassment,</p> <p>22 anti-retaliation, those types of policies, were in</p> <p>23 compliance and up to date?</p> <p>24 A. Yes.</p>                     | <p>Page 68</p> <p>1 anything like that?</p> <p>2 A. Yeah, I'm sure. I don't know if you're</p> <p>3 asking about a specific policy.</p> <p>4 Q. Do you recall a specific policy?</p> <p>5 A. I can tell you one of the things that</p> <p>6 Gary Bender tasked me with doing when I first</p> <p>7 started working was going through the employee</p> <p>8 handbook and updating any policies that were not</p> <p>9 up to date. And quite honestly, I mean, when I</p> <p>10 was -- I was given a copy of all of the policies</p> <p>11 and the weekend before I started working, I</p> <p>12 literally spent going through all the policies</p> <p>13 because I needed -- being the head of HR, I needed</p> <p>14 to familiarize myself with them.</p> <p>15 As I was going through, did I make notes</p> <p>16 of things that were not necessarily accurate and</p> <p>17 needed to be corrected? Yes.</p> <p>18 Did -- at some point in time I was</p> <p>19 reviewing them on -- after I started working, for</p> <p>20 specific changes. There was a point in time where</p> <p>21 myself, Solicitor Roth, Lisa Mahall, and Gary</p> <p>22 Bender started getting together because I was</p> <p>23 busy, and so it didn't move fast enough for Mr.</p> <p>24 Bender. And so we all started meeting, initially</p> |
| <p>Page 67</p> <p>1 Q. It identifies legal requirements.</p> <p>2 Did you -- did the HR department at</p> <p>3 Schuylkill County have a solicitor assigned to it?</p> <p>4 A. No. We -- well, the county -- I would</p> <p>5 work regularly with the county solicitor, Al</p> <p>6 Marshall, as well as the assistant solicitor,</p> <p>7 Glenn Roth, and sometime with the second assistant</p> <p>8 solicitor, Chris Hobbs.</p> <p>9 Q. Did any of those individuals you just</p> <p>10 named ever assist in ensuring that policies were</p> <p>11 current, up to date with legal requirements?</p> <p>12 A. I mean, I would confer with Solicitor</p> <p>13 Roth on a regular basis about matters, but HR --</p> <p>14 HR matters, I mean, I kept up to date, confirmed</p> <p>15 with him or with Al Marshall.</p> <p>16 Is that what you're asking?</p> <p>17 Q. So there's actually written policies</p> <p>18 of --</p> <p>19 A. Yes.</p> <p>20 Q. -- the county, correct?</p> <p>21 A. Yes.</p> <p>22 Q. Did you ever speak with Defendant Roth</p> <p>23 about a specific policy, if it was outdated,</p> <p>24 needed updating, needed changes, revisions,</p> | <p>Page 69</p> <p>1 started, I think, weekly or every other week. We</p> <p>2 didn't get very far and COVID hit. Needless to</p> <p>3 say, that went out the window. But, yes, we met</p> <p>4 and discussed policies just to make sure</p> <p>5 everything was up to date, legal, what it needed</p> <p>6 to be.</p> <p>7 Q. And as a result of those meetings, were</p> <p>8 county policies updated?</p> <p>9 A. Yes and no. We made the corrections.</p> <p>10 We were waiting until the entire thing, we didn't</p> <p>11 piecemeal and take every policy before, because,</p> <p>12 again, it had to go before the commissioners for a</p> <p>13 vote. There were a couple that got changed. I</p> <p>14 can't tell you off the top of my head what they</p> <p>15 were. But the idea was we would update the whole</p> <p>16 book and then take the entire employee handbook</p> <p>17 and have it approved all at once.</p> <p>18 Q. So let me make sure I understand.</p> <p>19 So they might have gotten changed,</p> <p>20 meaning they may have been discussed and revisions</p> <p>21 agreed upon in this group that you were talking</p> <p>22 about, but they were not implemented because they</p> <p>23 had not been submitted to the commissioners --</p> <p>24 A. Correct.</p>                        |

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| <p>Page 70</p> <p>1 Q. And they had not then been voted on?</p> <p>2 A. Correct.</p> <p>3 Q. That was the plan that all --</p> <p>4 A. Yes.</p> <p>5 Q. -- would be discussed, changes would be</p> <p>6 agreed upon, and a collective revision group would</p> <p>7 be submitted to the commissioners?</p> <p>8 A. Yes. But I do remember there was at</p> <p>9 least a couple exceptions that we updated. I</p> <p>10 can't remember what that were. I can't remember</p> <p>11 what it was about. But I remember there were</p> <p>12 maybe two or three that had gotten changed and we</p> <p>13 needed to -- we needed it done immediately for</p> <p>14 some reason.</p> <p>15 Q. And meaning changed, they were</p> <p>16 actually -- the changes were implemented?</p> <p>17 A. And voted on, yes.</p> <p>18 Q. And distributed to employees?</p> <p>19 A. Yes.</p> <p>20 Q. Okay.</p> <p>21 A. Well, it was -- it was uploaded to the</p> <p>22 handbook, which was on the website. Employees</p> <p>23 were made aware. But I can't even tell you which</p> <p>24 ones they were.</p>        | <p>Page 72</p> <p>1 Did the requirement apply to elected</p> <p>2 official as well as employees?</p> <p>3 A. Yes.</p> <p>4 Q. Was there ever a time that you had an</p> <p>5 issue with any employee or elected official not</p> <p>6 completing a sexual harassment training?</p> <p>7 A. Yes.</p> <p>8 Q. Can you tell us about that?</p> <p>9 A. It was -- had to be 2019, a training had</p> <p>10 been -- you know, I don't know the word to use.</p> <p>11 We had indicated that a training had to be -- it</p> <p>12 was time to complete this training again.</p> <p>13 Regularly I would go to the HR specialist asking,</p> <p>14 has everybody completed. Show me the list, where</p> <p>15 are we at. And there were a number of people --</p> <p>16 eventually we got it dwindled down, but there</p> <p>17 were -- there were -- yeah, there was times you</p> <p>18 had to chase people down to get them to complete</p> <p>19 the training.</p> <p>20 Q. Was there ever a time that you had an</p> <p>21 issue with Defendant Halcovage completing the</p> <p>22 sexual harassment training?</p> <p>23 A. There was a time when he hadn't</p> <p>24 completed it, yes.</p>                                                                                                                                                            |
| <p>Page 71</p> <p>1 Q. Okay.</p> <p>2 Is it your testimony that the reason</p> <p>3 that the rest of them did not get implemented is</p> <p>4 because then COVID hit and obviously there were</p> <p>5 more pressing things --</p> <p>6 A. Yes. Yeah.</p> <p>7 Q. -- that needed to be addressed?</p> <p>8 The next one is No. 9, coordinates</p> <p>9 online training and safety, sexual harassment,</p> <p>10 supervision, and other topics?</p> <p>11 A. Uh-huh.</p> <p>12 Q. Did you coordinate online training for</p> <p>13 sexual harassment at the county?</p> <p>14 A. I myself didn't do it, but someone who</p> <p>15 reported to me did it, yes. The HR specialist</p> <p>16 coordinated that training.</p> <p>17 Q. While you were employed with the county,</p> <p>18 what was your understanding of how often staff of</p> <p>19 the county should be trained regarding sexual</p> <p>20 harassment?</p> <p>21 A. Every two years, every other year.</p> <p>22 Q. Did the requirement apply to -- I am</p> <p>23 going to differentiate employees from elected</p> <p>24 officials.</p> | <p>Page 73</p> <p>1 Q. Tell us about that.</p> <p>2 A. There were -- and in all fairness, all</p> <p>3 three of the commissioner hadn't completed it yet.</p> <p>4 I had indicated to the HR specialist, you need to</p> <p>5 send these people e-mails, you need to tell them</p> <p>6 they need to complete this training. She was</p> <p>7 uncomfortable with that because they were</p> <p>8 commissioners. It's like, I don't care, they have</p> <p>9 to complete it.</p> <p>10 There was a point in time where I spoke</p> <p>11 with Commissioner Halcovage about it. I can't</p> <p>12 remember whether he contacted me or I contacted</p> <p>13 him or whether I had mentioned it to Gary Bender</p> <p>14 and he contacted him. At any rate, he was having</p> <p>15 trouble logging in because it was an online</p> <p>16 training. He was having trouble logging in to</p> <p>17 complete the training. I had had a similar</p> <p>18 problem, it was something I was doing. I went to</p> <p>19 him, went to his office, tried to log him in.</p> <p>20 I reached out to the HR specialist who</p> <p>21 was at a conference with Solicitor Roth. She was</p> <p>22 a little bit annoyed that I bothered her at a</p> <p>23 conference, but this needed to be done. She</p> <p>24 walked me through the process so that I walked --</p> |

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| <p>Page 74</p> <p>1 I went through the process while sitting at his<br/>2 desk on his computer and got him logged in to the<br/>3 training.<br/>4 Q. Do you know if Defendant Halcovage then<br/>5 completed that online training?<br/>6 A. He did not finalize, complete it, no.<br/>7 He started watching it. The system -- the online<br/>8 system had -- it showed you, you could print out a<br/>9 report and you could see if someone logged in.<br/>10 You could see how many minutes they watched. You<br/>11 could see if they took the test at the end.<br/>12 Q. Did he take the test at the end?<br/>13 A. No. He didn't complete it. That was<br/>14 far from completed. This was 2019.<br/>15 Q. Do you know then after this training,<br/>16 was this the C -- indulge me.<br/>17 The local GovU/CCAP website training.<br/>18 MS. SMITH: We'll mark this as 82.<br/>19 It's SC 1077.<br/>20 ---<br/>21 (Bates Stamped 1077 marked as Exhibit-82<br/>22 for identification.)<br/>23 ---<br/>24 THE WITNESS: Yes. This would have</p> | <p>Page 76</p> <p>1 training, did they similarly complete, sign, and<br/>2 acknowledge that they had done so?<br/>3 A. Yes.<br/>4 Q. Do you know, did Defendant Halcovage<br/>5 complete, sign, and acknowledge that he had done<br/>6 so?<br/>7 A. Not to my knowledge.<br/>8 Q. If he had, would that be a false<br/>9 representation based of off what you observed on<br/>10 the CCAP website list?<br/>11 A. Yes. Can I state something?<br/>12 Q. Sure.<br/>13 A. I don't believe he had because once<br/>14 this -- once this investigation started, I do<br/>15 recall going back and pulling files of people<br/>16 involved to see who completed, who had a signed<br/>17 document in their files.<br/>18 Q. In the meantime --<br/>19 A. Can I ask a question?<br/>20 Q. Sure.<br/>21 A. Is it possible to get water?<br/>22 Q. Oh, yes. I'm so sorry.<br/>23 The next one on No. 10 back on 81<br/>24 indicates: Advises management an appropriate</p>                                                                                                                                                                                                      |
| <p>Page 75</p> <p>1 been the one because I signed it when I --<br/>2 BY MS. SMITH:<br/>3 Q. So this one indicates that you -- that's<br/>4 your signature and printed name?<br/>5 A. Yes.<br/>6 Q. You completed this training in August of<br/>7 2019?<br/>8 A. Yes.<br/>9 Q. Is this the one that --<br/>10 A. Yes, same one.<br/>11 Q. Local ProgU/CCAP website, is that the<br/>12 training you're saying that you, as the HR<br/>13 director, were able to view who actually went all<br/>14 the way through the process?<br/>15 A. The HR specialist was able to view. I<br/>16 would go to her and have her pull it up. She<br/>17 would provide me the list and show me.<br/>18 Q. You looked at the list?<br/>19 A. Yes.<br/>20 Q. And it indicates that Defendant<br/>21 Halcovage had not completed it?<br/>22 A. Correct.<br/>23 Q. After employees and elected officials<br/>24 were to have taken this local GovU/CCAP website</p>                                                                                                    | <p>Page 77</p> <p>1 resolution of employee regulations issues. During<br/>2 your employment with Schuylkill County, did you<br/>3 have the opportunity to do that?<br/>4 A. Yes.<br/>5 Q. Did you ever face any difficulties when<br/>6 doing so?<br/>7 A. Yes.<br/>8 Q. Can you tell us what difficulties you<br/>9 faced that you can recall?<br/>10 A. I can think of one instance in<br/>11 particular where it was after the elections of<br/>12 2019, Deb Detweiler had run for coroner. An<br/>13 individual in the -- and she worked as a deputy<br/>14 coroner at the time, part time, she worked full<br/>15 time in tax assessment. There was an individual<br/>16 admin, she was an administrative person who worked<br/>17 part time, I believe, in the coroner's office,<br/>18 that individual supported Deb during the election.<br/>19 I can tell you when Deb lost the<br/>20 election, it was -- Mr. Bender in one of our<br/>21 4:00 meetings stated that he wanted both of them<br/>22 terminated and it had to happen -- this was like<br/>23 on a Tuesday or so, and it had to happen by the<br/>24 end of the week. And I told him that the</p> |



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| <p>Page 78</p> <p>1 individual who was the admin was covered under a<br/>2 union and it was illegal to fire someone without a<br/>3 Loudermill and I was not going to do that.<br/>4 Q. What was Defendant Bender's response<br/>5 when you told him you wouldn't do it?<br/>6 A. He became irate. He basically told me<br/>7 that I was a county employee and I needed to take<br/>8 management's side and he didn't want to hear any<br/>9 of this nonsense about HR being Switzerland,<br/>10 because I had a regular saying that HR is like<br/>11 Switzerland, you don't -- it's not that take<br/>12 management's side, that's why in every union<br/>13 contract, the last step before arbitration is that<br/>14 there is a -- it goes to HR to review all sides<br/>15 and then to make a determination about what the<br/>16 appropriate resolution would be or recommend a<br/>17 resolution.<br/>18 But it's not -- actually what I told him<br/>19 was we don't live in the 1960s anymore, that's not<br/>20 HR's role. HR's role is to be there for both the<br/>21 employee, as well as the employer. And they are<br/>22 more independent, they're Switzerland.<br/>23 Q. You indicated Defendant Bender became<br/>24 irate. Was this the only time that you observed</p> | <p>Page 80</p> <p>1 Marshall agreed with me. I stated, it's illegal.<br/>2 And I told you when I was hired, I will not do<br/>3 anything illegal, unethical, immoral. If you want<br/>4 to fire me, fire me. If you want me to quit, I<br/>5 will quit, but I'm not doing something illegal?<br/>6 At that point he called in -- I<br/>7 believe -- I don't remember Commissioner Halcovage<br/>8 was in for that part or not. But Commissioner<br/>9 Halcovage came in. At that point, Solicitor Roth<br/>10 showed up, apologized for being late. Stated that<br/>11 Mr. Bender -- I don't know whether he recited the<br/>12 whole situation, but Mr. Roth said that he was<br/>13 late because he was on the phone with Attorney<br/>14 Marshall and that he now agreed with me, and<br/>15 Attorney Marshall, you cannot fire this person<br/>16 without a Loudermill.<br/>17 Q. Did the person get fired?<br/>18 A. The person's employment ended. I'm<br/>19 trying to think if the word fired was -- yes, I<br/>20 believe she was, because she had already been<br/>21 told, no sooner did I get back to my office, I had<br/>22 gotten an e-mail from the business agent that the<br/>23 coroner had already gone to her and told her that<br/>24 her employment would be ending. And, yes, she was</p> |
| <p>Page 79</p> <p>1 Defendant --<br/>2 A. No.<br/>3 Q. -- Bender engage in irate behavior?<br/>4 A. No.<br/>5 Q. Would you say it was a common occurrence<br/>6 or a non-common occurrence?<br/>7 A. It was more common than not. I can tell<br/>8 you as a result of that situation, his response<br/>9 was, do I need to call George in here because this<br/>10 is not going to end well. I looked at him and I<br/>11 said, yes, you do need to call George in here<br/>12 because you're right, this won't end well.<br/>13 Q. What did you think or take Defendant<br/>14 Bender to mean by it won't end well?<br/>15 A. My life would not be pleasant, I could<br/>16 tell you that. He did call George in,<br/>17 Commissioner Halcovage. Commissioner Halcovage --<br/>18 oh, he also called in Solicitor Roth. Actually<br/>19 Solicitor Roth showed up late because he was on<br/>20 the phone with Attorney Marshall. And prior to<br/>21 Solicitor Roth getting in there, Mr. Bender stated<br/>22 that he had spoken with Mr. Roth and he -- and Mr.<br/>23 Roth agreed with him. I told him that I had<br/>24 spoken with solicitor Marshall and Solicitor</p>                                                                                                              | <p>Page 81</p> <p>1 fired.<br/>2 What happened was -- it had to be the<br/>3 next day, next couple of days, at some point<br/>4 Solicitor Marshall came into my office after a<br/>5 commissioner meeting and literally sat there for<br/>6 two hours trying to convince me, twisting words,<br/>7 manipulating things, trying to convince me that it<br/>8 was okay to let this person go. I said I would<br/>9 not do it. It was illegal. I could site the case<br/>10 that the Supreme Court made. After two hours --<br/>11 at one point he said, look, you know, I report to<br/>12 the same person you do, this needs to happen. I<br/>13 said, I'm not doing it. If you want to do it, you<br/>14 do it, but I'm not doing it.<br/>15 He eventually said he had other things<br/>16 to do and stood up and told me that I was<br/>17 extremely stubborn. And basically I told him, I<br/>18 was principle and there was a difference.<br/>19 Q. Was the person afforded a Loudermill<br/>20 hearing?<br/>21 A. Yes and no. What happened was, in the<br/>22 end the -- there was a grievance filed that she<br/>23 was told she was going to be fired. There was a<br/>24 Loudermill meeting. They conceded the grievance.</p>                                                                             |

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| <p>Page 82</p> <p>1 so that went away. They meaning -- I sat there, I</p> <p>2 did not say a word because I did not agree with</p> <p>3 any of it. So solicitor Marshall ran the meeting.</p> <p>4 I can't remember whether Solicitor Roth was there</p> <p>5 or not. But he conceded the grievance and then</p> <p>6 brought up a number of other issues and basically</p> <p>7 the person was terminated.</p> <p>8 Q. After this discussion and your</p> <p>9 unwillingness to participate in what you believe</p> <p>10 was a violation of the law or ethics and morals,</p> <p>11 what was your life like at the county courthouse</p> <p>12 in the immediate time there after?</p> <p>13 A. Mr. Bender did not speak to me for three</p> <p>14 weeks or so. He was extremely angry. I walked</p> <p>15 into the commissioner office and the staff had</p> <p>16 said, he just -- he isn't going to speak with you.</p> <p>17 He made it very clear, I do not want to speak with</p> <p>18 that woman, I'm busy.</p> <p>19 Q. Did any of the other individuals who</p> <p>20 were involved similarly treat you?</p> <p>21 A. No.</p> <p>22 Q. Do you know why Defendant Bender wanted</p> <p>23 to -- I don't know if you said this, but the</p> <p>24 individual in question was Ms. Deb Detweiler,</p> | <p>Page 84</p> <p>1 lost and that's my understanding. She had made</p> <p>2 some accusations that were probably considered</p> <p>3 somewhat embarrassing about the coroner's office</p> <p>4 during the election, the incompetence of it.</p> <p>5 Q. Did Deb Detweiler run as a democrat</p> <p>6 candidate --</p> <p>7 A. Yes.</p> <p>8 Q. -- for the coroner's office?</p> <p>9 A. Yes.</p> <p>10 Q. Do you believe that her decision to run</p> <p>11 as a democrat had any influence on Defendant</p> <p>12 Bender's decision to want to have her terminated?</p> <p>13 A. I think her choice to run against the</p> <p>14 current coroner had something to do with it. I</p> <p>15 guess she could have run as an independent, but I</p> <p>16 don't know.</p> <p>17 Q. Did Defendant Bender give any</p> <p>18 justification why he wanted the other individual</p> <p>19 in that scenario -- who was the other?</p> <p>20 A. Charlene Herring, I think is her name.</p> <p>21 Charlene Herring, maybe.</p> <p>22 Q. Did he give any justification for why he</p> <p>23 wanted her fired?</p> <p>24 A. I think because of her relations to Deb</p>                                                                                                                                                                                                                      |
| <p>Page 83</p> <p>1 correct?</p> <p>2 A. Deb was -- Deb -- it was Deb Detweiler</p> <p>3 and it was Charlene somebody or other, I can't</p> <p>4 remember her last name. Deb -- Deb as a coroner,</p> <p>5 as a deputy coroner, part-time position, she also</p> <p>6 worked full time in tax assessment. Her</p> <p>7 employment with the coroner's office was</p> <p>8 terminated because she was not part of the union.</p> <p>9 Charlene, who was an administrative</p> <p>10 employee, was considered part of the union.</p> <p>11 What was your question?</p> <p>12 Q. So the person -- let's start with Deb</p> <p>13 Detweiler.</p> <p>14 A. Okay.</p> <p>15 Q. So he wanted to -- Defendant Bender</p> <p>16 wanted Deb Detweiler terminated, correct?</p> <p>17 A. Yes.</p> <p>18 Q. She was not the one that required the</p> <p>19 Loudermill hearing, correct?</p> <p>20 A. Correct.</p> <p>21 Q. Do you know why Bender wanted Deb</p> <p>22 Detweiler fired or terminated?</p> <p>23 A. From the coroner's office, I guess,</p> <p>24 because like I said, it was an ugly election. She</p>                                                                                                                                                                                                   | <p>Page 85</p> <p>1 Detweiler. They -- there were acquisitions that</p> <p>2 she was accessing information. There was -- there</p> <p>3 were all sorts of accusations. But I -- show me.</p> <p>4 Give me some sort of documentation that we can</p> <p>5 bring to a Loudermill and that was never provided.</p> <p>6 Q. Did they ever ask you -- when you</p> <p>7 challenged them or requested from them that</p> <p>8 documentation would be needed to support this, did</p> <p>9 they ever ask you to conduct an investigation?</p> <p>10 A. Well, it's an elected official. I can't</p> <p>11 do that. It's -- the elected official has to do</p> <p>12 it. The elected official solicitor got involved.</p> <p>13 He also was not the biggest fan of mine. I</p> <p>14 believe at one point, Mr. Bender came in my office</p> <p>15 and said, well, you're not going to be on his</p> <p>16 Christmas list.</p> <p>17 The other thing he said at the same</p> <p>18 conversation was that -- what's his name? Whoever</p> <p>19 it is. He's an attorney and I looked at him and I</p> <p>20 said -- no offense to all of you -- I said he's an</p> <p>21 attorney, he's not God and he's wrong and I'm</p> <p>22 going to tell him he's wrong. Read the freaking</p> <p>23 contract. If you don't understand it, maybe you</p> <p>24 shouldn't be an attorney. Sorry.</p> |

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| <p>Page 86</p> <p>1 Q. Did you ever observe Defendant Bender</p> <p>2 engage in similar conduct when -- strike that.</p> <p>3 Did you ever observe male employees or</p> <p>4 males question or challenge Defendant Bender's</p> <p>5 position on a topic?</p> <p>6 A. I don't -- no -- well, it's -- I don't</p> <p>7 know.</p> <p>8 Q. You were just actually testifying kind</p> <p>9 of to a situation. You were saying that Al</p> <p>10 Marshall eventually -- or Glenn Roth came in and</p> <p>11 maybe said that Al Marshall --</p> <p>12 A. Right.</p> <p>13 Q. -- said that you were right?</p> <p>14 A. Yeah. Uh-huh.</p> <p>15 Q. When Glenn Roth conveyed that to</p> <p>16 Defendant Bender, what was Defendant Bender's</p> <p>17 reaction to that?</p> <p>18 A. He wasn't happy about that either.</p> <p>19 Q. Was he similarly aggressive and irate</p> <p>20 with Al Marshall's position?</p> <p>21 A. I don't think he stopped speaking to him</p> <p>22 for three weeks.</p> <p>23 Q. Do you believe at any point that you</p> <p>24 observed Defendant Bender treat women differently</p>                                                                                                                                                                                                                                                | <p>Page 88</p> <p>1 someone to my house within 30 minutes.</p> <p>2 So could do something that great. I had</p> <p>3 a dear friend from high school who came down with</p> <p>4 cancer. She also worked in the courthouse. I</p> <p>5 considered him a friend. I went to him and, you</p> <p>6 know, explained what was happening. Shortly</p> <p>7 thereafter, I show up at work one day and as I'm</p> <p>8 walking through the office, the women in the</p> <p>9 office, my staff said, oh, somebody left you a</p> <p>10 present. I go in and in a bag, it wasn't a</p> <p>11 present for me, but it was a present for my friend</p> <p>12 and it's -- I don't know if you've ever heard of</p> <p>13 those prayer blankets or healing blankets that</p> <p>14 they sell. He had bought this for me to give to</p> <p>15 her.</p> <p>16 I mean, he could be the most kind,</p> <p>17 compassionate man. But if you pissed him off, he</p> <p>18 could be the most angry, vindictive, nasty person</p> <p>19 as well.</p> <p>20 Q. Want a tissue? You want a break?</p> <p>21 A. I'll take on.</p> <p>22 Q. You okay?</p> <p>23 A. I'm okay.</p> <p>24 Q. Okay.</p> |
| <p>Page 87</p> <p>1 than men?</p> <p>2 A. Honestly, no. He was -- when he was</p> <p>3 mean, if he -- no. He was nasty to everybody.</p> <p>4 Don't get me wrong, he could be the nicest guy in</p> <p>5 the world. Give you an example, give you two</p> <p>6 examples. Got home one night, I had got out of</p> <p>7 work, went to a meeting, got home, walked in the</p> <p>8 house, it was February, first night we had below</p> <p>9 zero temperatures. I had to call him about</p> <p>10 business issue. He said, we'll talk in the</p> <p>11 morning. I told him I don't know that I'll be</p> <p>12 there, here's what's happening. No sooner did we</p> <p>13 hang up the phone -- sorry, I'm going to cry. No</p> <p>14 sooner did I hang up the phone, within two minutes</p> <p>15 my phone rings and it's a person from the oil</p> <p>16 folks take care of my furnace and the oil company.</p> <p>17 I had been trying to reach them. Their system was</p> <p>18 messing up, it wouldn't even go to a message. It</p> <p>19 wouldn't go to an emergency number, you just -- it</p> <p>20 just kept ringing.</p> <p>21 And no sooner did we hang up, he called</p> <p>22 this man on his personal cell phone. I answer the</p> <p>23 phone, he said Deb, this is Jamie. I understand</p> <p>24 you're having a problem and he literally got</p> | <p>Page 89</p> <p>1 If you need a break, let us know.</p> <p>2 A. I will.</p> <p>3 Q. The next item on the list is, consulted</p> <p>4 managers in health care professionals to evaluate</p> <p>5 the need for develop and implement accommodations</p> <p>6 return to work, light duty, and other responses</p> <p>7 for disability.</p> <p>8 Was it the job responsibility of the HR</p> <p>9 director to engage in the interactive process with</p> <p>10 employees who needed reasonable accommodation</p> <p>11 requests?</p> <p>12 A. Yes.</p> <p>13 Q. Who might need FMLA?</p> <p>14 A. Yes.</p> <p>15 Q. Who -- go ahead.</p> <p>16 A. Yes.</p> <p>17 Q. And did you do that at any point during</p> <p>18 your job, engage in interactive discussions with</p> <p>19 employees?</p> <p>20 A. Uh-huh.</p> <p>21 Q. Is that a yes?</p> <p>22 A. Yes.</p> <p>23 - - -</p> <p>24 (Whereupon, brief recess was held off the</p>                                                                                                                                                                                                                                   |

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| <p>1 record at 11:07 a.m.)</p> <p>2 - - -</p> <p>3 (Back on the record at 11:18 a.m.)</p> <p>4 - - -</p> <p>5 MS. SMITH: Pulling up Exhibit-43</p> <p>6 from yesterday.</p> <p>7 BY MS. SMITH:</p> <p>8 Q. This is a document that's been</p> <p>9 previously marked as Exhibit-43.</p> <p>10 Do you recognize this document?</p> <p>11 A. I recognize it. Have I seen it before?</p> <p>12 No, I don't think so, but I know what it is by</p> <p>13 looking at it, if that makes sense.</p> <p>14 Q. It doesn't.</p> <p>15 It's titled Schuylkill County</p> <p>16 organizational chart.</p> <p>17 Do you agree?</p> <p>18 A. Uh-huh.</p> <p>19 Q. If we -- if we look at the top, there is</p> <p>20 the electorate and then we have commissioners</p> <p>21 right there?</p> <p>22 A. Uh-huh.</p> <p>23 Q. From commissioners, it flows to -- the</p> <p>24 second to the left in that, to solicitor. Do you</p>                                    | <p>Page 90</p> <p>1 is?</p> <p>2 A. The solicitor and the assistant</p> <p>3 solicitor and the second assistant solicitor all</p> <p>4 fell under county administration.</p> <p>5 Q. Then under county administrator we see</p> <p>6 human resources.</p> <p>7 A. Uh-huh.</p> <p>8 Q. Second on the right, do you see that?</p> <p>9 A. Uh-huh.</p> <p>10 Q. Is that a yes?</p> <p>11 A. Yes.</p> <p>12 Q. And then down from that we see the</p> <p>13 assessment office.</p> <p>14 Do you agree?</p> <p>15 A. Yes.</p> <p>16 Q. So is it your understanding when you</p> <p>17 worked for the county, the assessment office and</p> <p>18 human resources reported to the county</p> <p>19 administrator?</p> <p>20 A. Yes.</p> <p>21 Q. Do you know at the time you were</p> <p>22 employed by the county, did the assessment office</p> <p>23 report to the solicitor?</p> <p>24 A. No. I believe the assessment office</p>                                       |
| <p>Page 91</p> <p>1 see that? We have commissioners, then it flows to</p> <p>2 solicitor.</p> <p>3 A. Oh, yes.</p> <p>4 Q. Underneath of solicitor is tax claims.</p> <p>5 Do you see that?</p> <p>6 A. Yes.</p> <p>7 Q. Was it your understanding when you</p> <p>8 worked for the county that tax claim bureau</p> <p>9 reported to the solicitor?</p> <p>10 A. I know they worked very closely</p> <p>11 together. I guess it was a dotted line, my</p> <p>12 understanding.</p> <p>13 Q. If we look over to the right, there's</p> <p>14 county administrator.</p> <p>15 Do you see that?</p> <p>16 A. Yes.</p> <p>17 Q. So based on this organizational chart, a</p> <p>18 county administrate and solicitor were coworkers,</p> <p>19 not -- neither reported to either, they were</p> <p>20 coworkers?</p> <p>21 A. That's not my understanding of how it</p> <p>22 is.</p> <p>23 Q. Okay.</p> <p>24 So what's your understanding of how it</p> | <p>Page 93</p> <p>1 reported to the county administrator.</p> <p>2 Q. All of those solicitor, administrator,</p> <p>3 tax claim, human resources, and assessment, all</p> <p>4 reported to and were supervised by the</p> <p>5 commissioners?</p> <p>6 A. Again, please.</p> <p>7 Q. Solicitor, tax claim, county</p> <p>8 administrator, human resources, and assessment</p> <p>9 office.</p> <p>10 MR. LETTRICH: Object to the form.</p> <p>11 But you can answer that.</p> <p>12 BY MS. SMITH:</p> <p>13 Q. All reported to the commissioner?</p> <p>14 A. Well, essentially everybody reports to</p> <p>15 the commissioner. But the solicitor reported to</p> <p>16 the county administrator.</p> <p>17 Q. And then up to the commissioners?</p> <p>18 A. Yes.</p> <p>19 Q. Understood.</p> <p>20 MS. SMITH: Going to mark as 83, it</p> <p>21 is SC-1082.</p> <p>22 - - -</p> <p>23 (Bates Stamped 1082 marked as Exhibit-83</p> <p>24 for identification.)</p> |



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| <p>Page 94</p> <p>1 ---</p> <p>2 BY MS. SMITH:</p> <p>3 Q. Do you recognize this document?</p> <p>4 A. Yes.</p> <p>5 Q. And down the bottom left of this</p> <p>6 document is an ABM2/2016.</p> <p>7 Do you see that?</p> <p>8 A. I do.</p> <p>9 Q. Do you know what that indicates or</p> <p>10 symbolizes?</p> <p>11 A. I am going to assume that it was Jane</p> <p>12 Doe 3 Burnham-Mitchell, I assume she is the one</p> <p>13 who created the document and she created it in</p> <p>14 February of 2016.</p> <p>15 Q. Is this type of dating used by</p> <p>16 Schuylkill County to symbolize or memorialize when</p> <p>17 the form or policy is put into place and</p> <p>18 implemented?</p> <p>19 A. That would be my guess, yes.</p> <p>20 Q. And this is your signature and date down</p> <p>21 at the bottom?</p> <p>22 A. Yes.</p> <p>23 Q. Those are your initials to the left of</p> <p>24 each of those policies --</p>                                                           | <p>Page 96</p> <p>1 A. That who?</p> <p>2 Q. Jane Doe 1.</p> <p>3 A. Yes.</p> <p>4 Q. She reported to Jane Doe 3 --</p> <p>5 A. Yes.</p> <p>6 Q. -- that that had happened?</p> <p>7 A. Yes.</p> <p>8 Q. At some point, did Jane Doe 3 come to</p> <p>9 you and inform you that she had received this</p> <p>10 report?</p> <p>11 A. Yes.</p> <p>12 Q. Do you remember how long after Jane Doe</p> <p>13 3 received the report from Jane Doe 1, did Jane</p> <p>14 Doe 3 inform you of that?</p> <p>15 A. Yes. She apparently received the</p> <p>16 information on Thursday evening, sent it to me, I</p> <p>17 believe my e-mail said somewhere around 8:30,</p> <p>18 7:00, 8:30, 9:00. Unfortunately on my phone,</p> <p>19 sometimes in my home, I don't get e-mails until I</p> <p>20 go outside. The next morning I went to work. It</p> <p>21 was Friday morning, May 22nd, I'll never forget</p> <p>22 it. I was greeted as I was entering the HR door,</p> <p>23 still unlocking it, Jane Doe 3 was there, asked if</p> <p>24 I had seen her e-mail from the previous evening.</p> |
| <p>Page 95</p> <p>1 A. Yes.</p> <p>2 Q. -- or items?</p> <p>3 A. Yes.</p> <p>4 Q. Do you know, were all employees of the</p> <p>5 county required to complete and acknowledge their</p> <p>6 receipt of these policies on a form such as this?</p> <p>7 A. Yes.</p> <p>8 Q. That would include elected officials as</p> <p>9 well?</p> <p>10 A. They were expected to. I don't know</p> <p>11 that all of them ever did it.</p> <p>12 Q. Do you know, did Defendant Halcovage</p> <p>13 ever do it?</p> <p>14 A. This is from when someone first begins</p> <p>15 employment, so that was four years, five years,</p> <p>16 six years before I ever got there, so I don't</p> <p>17 know.</p> <p>18 Q. Understood.</p> <p>19 Ms. Twigg, in May of 2020.</p> <p>20 A. Uh-huh.</p> <p>21 Q. Did you come to learn that Jane Doe 1</p> <p>22 reported to Jane Doe 3 that she was the victim of</p> <p>23 sexual harassment and a hostile work environment</p> <p>24 while employed by the county?</p> | <p>Page 97</p> <p>1 I said, no, I'm just getting in. She asked me to</p> <p>2 check my e-mail and then either call her or come</p> <p>3 speak with her.</p> <p>4 MS. SMITH: Can I have 71 out of</p> <p>5 that pile.</p> <p>6 BY MS. SMITH:</p> <p>7 Q. Ms. Twigg, I am showing you what has</p> <p>8 been previously marked as Exhibit 71.</p> <p>9 A. Uh-huh.</p> <p>10 Q. Take a brief look at it. My first</p> <p>11 question for you is going to be: Do you recognize</p> <p>12 it?</p> <p>13 A. Yes.</p> <p>14 Q. Is this -- was this drafted by you?</p> <p>15 A. I'm assuming it's an accurate copy, yes.</p> <p>16 Q. We're going to go through it, so for any</p> <p>17 reason there's something in there that catches</p> <p>18 your eye that you think was changed from what you</p> <p>19 drafted, please let us know. Okay?</p> <p>20 MS. SMITH: It's 71. Do you have</p> <p>21 that one?</p> <p>22 MR. LEES: I do.</p> <p>23 BY MS. SMITH:</p> <p>24 Q. Ms. Twigg, as we look at the first</p>                                                                                |

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| <p>1 paragraph, it states on Friday, May 22, 2020, when<br/>2 you arrived at your office, Jane Doe 3 was at your<br/>3 door and that's what you just testified happened;<br/>4 is that correct?<br/>5 A. Yes.<br/>6 Q. It indicates that she asked if you had<br/>7 seen her e-mails. You told her no and then she<br/>8 asked you to check your e-mails and to call or<br/>9 come to her office. Is that what happened?<br/>10 A. Yes.<br/>11 Q. After you checked your e-mail, what, if<br/>12 anything, did you do next?<br/>13 A. I went to Jane Doe 3's office.<br/>14 Q. And did you speak with Jane Doe 3 when<br/>15 you got to her office?<br/>16 A. I did.<br/>17 Q. Was it just you Jane Doe 3 at that time<br/>18 or was anyone else present?<br/>19 A. It was myself and Jane Doe 3. She was<br/>20 sort of recapping. And at some point<br/>21 everything -- very briefly. I at some point just<br/>22 said, stop, I need to go get a pen and paper and I<br/>23 need to let Gary Bender know what's going on.<br/>24 Q. When you say recapping everything at</p>                                                         | Page 98 | <p>1 was saying happened or what was the contents of<br/>2 it?<br/>3 A. All I remember is it had the attachment<br/>4 of that umpteen-page letter with all those<br/>5 statements.<br/>6 Q. So I wasn't involved from my office<br/>7 then, so I am trying --<br/>8 A. Oh, sorry.<br/>9 Q. And it hasn't been produced --<br/>10 A. You're right. No, it wasn't you. It<br/>11 was -- I don't know the guy's name. There was --<br/>12 Q. Ian Bryson.<br/>13 A. Yes.<br/>14 Q. It's a letter from him?<br/>15 A. I guess.<br/>16 Q. What I'm trying to figure out, because<br/>17 again --<br/>18 A. I know. I forgot about that guy. I<br/>19 forgot about that guy.<br/>20 Q. Was it the claim preservation letter<br/>21 where it was talking about electronic data?<br/>22 A. Yes. That was it, that was part of it,<br/>23 yes.<br/>24 Q. In addition to that, was there anything</p>                                                                                                                                                                                               | Page 100 |
| <p>1 that point, what was it that Jane Doe 3 was<br/>2 telling you she knew -- strike that.<br/>3 You saw Jane Doe 1 e-mail to Jane Doe 3,<br/>4 correct?<br/>5 A. Which e-mail?<br/>6 Q. The one where she reported she was a<br/>7 victim of sexual harassment?<br/>8 A. I saw -- no. I saw -- Jane Doe 3 sent<br/>9 me an e-mail that had the document where you had<br/>10 listed like 80 or 90 some statements. Is that<br/>11 what you're talking about?<br/>12 Q. My question for you is: When Jane Doe 3<br/>13 sent you the e-mail the night of 21st of May, what<br/>14 was it that she sent you, forwarded you, or told<br/>15 you, the one you looked at --<br/>16 A. It stated that she had received this<br/>17 letter from you and it was attached. It might<br/>18 have even been your e-mail to her forwarded, I<br/>19 can't remember. I can tell you, I remember<br/>20 exactly what I did. I started looking at this<br/>21 and, sorry, but I was like, holy shit. I got up<br/>22 and I went to Jane Doe 3's office and said what<br/>23 the heck is going on.<br/>24 Q. So was it facts about what Jane Doe 1</p> | Page 99 | <p>1 that you received in that first e-mail that gave<br/>2 you any indication of what the allegations were<br/>3 beyond a more general scope?<br/>4 A. I thought there were statements. You<br/>5 know, there -- I thought there were statements.<br/>6 Q. What do you mean by statements?<br/>7 A. Well, when I did the investigations, I<br/>8 developed the questions for Commissioner Halcovage<br/>9 based on the 80 or 90 items that were listed in<br/>10 the document I had received.<br/>11 Q. Okay.<br/>12 A. Of accusations of things that had<br/>13 happened.<br/>14 Q. Okay.<br/>15 So it was a fact-based document, is what<br/>16 you are saying. Like, it wasn't -- it wasn't just<br/>17 legal language generalizing or summarizing the<br/>18 type of --<br/>19 A. No. I believe the fact-typed document<br/>20 was part of it. It started with the whole<br/>21 preservation of any kind of e-mail or electronic<br/>22 record or anything like that.<br/>23 Q. In any event, Ms. Twigg, after you went<br/>24 to Jane Doe 3's office, you were saying you were</p> | Page 101 |

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| <p style="text-align: right;">Page 102</p> <p>1 speaking with her and she started to recap. What</p> <p>2 was it, if you remember, that she told you she</p> <p>3 knew at that point?</p> <p>4 A. She said she had been talking with Jane</p> <p>5 Doe 1 over the past few days, maybe a week, and</p> <p>6 Jane Doe 1 was opening up about things that had</p> <p>7 happened, a relationship that had been going on</p> <p>8 between her and Commissioner Halcovage. She also</p> <p>9 explained some issues that she, as well as Jane</p> <p>10 Doe 4 had with Commissioner Halcovage. I mean, we</p> <p>11 talked for about 20 or 30 minutes before I said, I</p> <p>12 need to get -- I need to start writing this stuff</p> <p>13 down.</p> <p>14 Q. You said you told her you need to go get</p> <p>15 a pen and talk with Defendant Bender?</p> <p>16 A. Yes.</p> <p>17 Q. Did you, in fact, go get a pen and paper</p> <p>18 and speak with Defendant Bender?</p> <p>19 A. Yes, I did.</p> <p>20 Q. What did you tell Defendant Bender?</p> <p>21 A. He had somebody -- they were actually</p> <p>22 looking for me. I said, look, I need to talk with</p> <p>23 you. The IT guy left. I said we just got a</p> <p>24 document that -- from an attorney accusing George</p> | <p style="text-align: right;">Page 104</p> <p>1 with Gary Bender, Solicitor Roth was there. They</p> <p>2 said they had spoken to him and Solicitor Roth</p> <p>3 recommended that he get his own -- get an</p> <p>4 attorney.</p> <p>5 Q. Did they tell you anything else they</p> <p>6 spoke with Defendant Halcovage concerning?</p> <p>7 A. Well, about the document that had been</p> <p>8 attached to the e-mail. And they also said that</p> <p>9 Commissioner Halcovage had received the same</p> <p>10 document the night before.</p> <p>11 Q. Did either Defendant Bender or Defendant</p> <p>12 Roth indicate why they believed Defendant</p> <p>13 Halcovage needed his own counsel?</p> <p>14 A. I don't remember. You would have to ask</p> <p>15 him that.</p> <p>16 Q. Okay.</p> <p>17 A. He was the one that made the statement.</p> <p>18 He may or may not have said a reason. I don't</p> <p>19 remember that. It was a busy day.</p> <p>20 Q. Understandably so.</p> <p>21 So you had this initial conversation</p> <p>22 with Jane Doe 3 and Jane Doe 4, it looks like, in</p> <p>23 the beginning -- those early hours of May 22nd.</p> <p>24 And did you take handwritten notes which</p> |
| <p style="text-align: right;">Page 103</p> <p>1 of sexual harassment and hostile work environment.</p> <p>2 Q. What was Defendant Bender's response?</p> <p>3 A. I asked if had seen Commissioner</p> <p>4 Halcovage. He said not yet. I then told him that</p> <p>5 statement. And his comment was -- I said, look, I</p> <p>6 need to go back and talk with Jane Doe 4 and Jane</p> <p>7 Doe 3. And his response was, we do this by the</p> <p>8 book. I said, you're absolutely right, we do this</p> <p>9 by the book.</p> <p>10 Q. What, if anything, did you do next?</p> <p>11 A. I then told him I would -- I was going</p> <p>12 to talk with Jane Doe 4 and Jane Doe 3 and I'd</p> <p>13 come back and fill him in once I had done that.</p> <p>14 He -- I believe he and Solicitor Roth then spoke</p> <p>15 with Commissioner Halcovage.</p> <p>16 Q. Was Solicitor Roth present when you</p> <p>17 spoke with Bender --</p> <p>18 A. No.</p> <p>19 Q. -- initially?</p> <p>20 A. No.</p> <p>21 Q. Where does the information come from or</p> <p>22 your belief come from that Bender and Roth spoke</p> <p>23 with Halcovage?</p> <p>24 A. Because after I had gone back to speak</p>                                                                                 | <p style="text-align: right;">Page 105</p> <p>1 then you used to create this document --</p> <p>2 A. Yes.</p> <p>3 Q. -- 71 in front of you?</p> <p>4 A. Yes.</p> <p>5 Q. Did you keep a copy of this?</p> <p>6 A. The handwritten notes, no.</p> <p>7 Q. Did you keep them for purposes of when</p> <p>8 you were employed by the county and left them</p> <p>9 there or did they get thrown out at some point?</p> <p>10 A. They were kept -- they were part of the</p> <p>11 whole file. I didn't make a copy to keep for</p> <p>12 myself.</p> <p>13 Q. But --</p> <p>14 A. But I typed -- I typed from the notes, I</p> <p>15 typed this document, so...</p> <p>16 Q. Okay.</p> <p>17 A. I knew what was in the notes by what I</p> <p>18 put in here.</p> <p>19 Q. Do you know, were the notes verbatim to</p> <p>20 what's in here? Like, did you just --</p> <p>21 A. No. No.</p> <p>22 Q. The notes were as quickly as you could</p> <p>23 write while they were talking?</p> <p>24 A. Yes.</p>                                                                                                                                                                                                          |

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| <p>Page 106</p> <p>1 Q. And then you put it into more formal<br/>2 writing?</p> <p>3 A. Yes. And part of it was as I was typing<br/>4 and writing and recalled things that maybe were<br/>5 said -- no maybe -- things that were said and I<br/>6 may have gone back and asked, hey, did you say I<br/>7 remember this, it's not mine, did you say this?<br/>8 They would confirm yes or no.</p> <p>9 Q. Okay.<br/>10 And you said you maintained an<br/>11 investigation file for this matter?</p> <p>12 A. Yeah.<br/>13 What do you mean -- yes. There was a<br/>14 file with everything in it, the written notes, I<br/>15 believe a copy of this.</p> <p>16 Q. When you resigned from the county, do<br/>17 you know where that was left?</p> <p>18 A. Yes. It was left with all the other<br/>19 documents that referred -- that were part of the<br/>20 case, including like a thumb drive with video of<br/>21 the whole incident with George going up the bank.<br/>22 All of that was left. As you walk into the<br/>23 director's office, there were four file cabinets.<br/>24 The fourth file cabinet, the one closest to me,</p> | <p>Page 108</p> <p>1 I was then told, I think, by Jane Doe 3<br/>2 and Jane Doe 4 later in the day that she would be<br/>3 in, what time she'd be in, but she wanted them in<br/>4 the meeting as well as Mr. Bender. And, yes, she<br/>5 was the next person that was interviewed.</p> <p>6 Q. Did you interview anyone else that first<br/>7 day?</p> <p>8 A. No.</p> <p>9 Q. Okay.<br/>10 After --</p> <p>11 A. I did attempt to speak with Commissioner<br/>12 Halcovage, we were supposed to. At one point he<br/>13 then said he was going to Philadelphia to speak<br/>14 with his wife.</p> <p>15 Q. According to the notes, this was a<br/>16 Friday?</p> <p>17 A. Yes.</p> <p>18 Q. So that weekend, did you conduct any<br/>19 interviews or do anything over the weekend?</p> <p>20 A. No.</p> <p>21 Q. Did you resume your investigation Monday<br/>22 morning when you returned to work?</p> <p>23 A. I think I was supposed to meet with Mr.<br/>24 Halcovage that day. He canceled and was seeking</p>                                                                                                                                  |
| <p>Page 107</p> <p>1 the bottom drawer, and it was locked and I had the<br/>2 key. And the county commissioners office, more so<br/>3 Gary Bender, also had a key to those -- to the<br/>4 office, as well as, I believe, to the file<br/>5 cabinet.</p> <p>6 Q. Who did you leave your key with?</p> <p>7 A. Doreen Kutzler.</p> <p>8 Q. But the interim HR individual?</p> <p>9 A. Uh-huh.</p> <p>10 Q. Is that a yes?</p> <p>11 A. Yes. Sorry.</p> <p>12 Q. So after speaking -- spending some time<br/>13 speaking with Jane Doe 3 and Jane Doe 4, this<br/>14 report indicates the next person you spoke with<br/>15 was Jane Doe 2?</p> <p>16 A. The next person that was interviewed,<br/>17 yes. After I spoke with them, I actually went and<br/>18 spoke with Gary Bender and I believe Solicitor<br/>19 Roth, just informing them, hey, this is what I<br/>20 have learned. While I was speaking with Jane Doe<br/>21 3 and Jane Doe 4, we called Jane Doe 2. She was<br/>22 in her vehicle. I asked if she had an attorney.<br/>23 She said no. I asked if she could come in that<br/>24 day and speak with us, with me.</p>      | <p>Page 109</p> <p>1 an attorney and said he would get back with me.</p> <p>2 Q. Do you know if that Monday, was<br/>3 Commissioner Halcovage at the county courthouse?</p> <p>4 A. I don't -- I don't remember. I don't<br/>5 know.</p> <p>6 Q. In May of 2020, when this report was<br/>7 made, were Jane Doe 4 and Jane Doe 2 still on<br/>8 county furlough due to COVID-19?</p> <p>9 A. Yes. A lot of people were still. I<br/>10 believe we furloughed, I think, April 20th or<br/>11 somewhere thereabouts and folks didn't come back<br/>12 until -- folks started coming back -- individual<br/>13 departments started bringing some people --<br/>14 transitioning people back mid June. But I think<br/>15 by the end of June most people were back.</p> <p>16 Q. Okay.<br/>17 And you were still employed there in<br/>18 June of 2020?</p> <p>19 A. Yes. I left September 4, 2020.</p> <p>20 Q. When employees started to be pulled back<br/>21 furlough, given what you were investigating -- let<br/>22 me ask this. Strike that.</p> <p>23 In end of June 2020, were you still<br/>24 actively conducting an investigation into the</p> |



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| <p>Page 110</p> <p>1 allegations?</p> <p>2 A. End of June, no. I think the</p> <p>3 investigation was pretty much complete and I was</p> <p>4 pulling all the handwritten notes together and</p> <p>5 typing up this document.</p> <p>6 Q. As a result of the investigation</p> <p>7 concluding and you working on your final report,</p> <p>8 did you -- and discussions regarding employees</p> <p>9 being returned from furlough, did you have any</p> <p>10 discussion with anyone about what to do with Jane</p> <p>11 Doe 1 and Jane Doe 2 as it related to returning</p> <p>12 from furlough?</p> <p>13 A. I know there were concerns about parking</p> <p>14 spaces. I know there was -- and where people</p> <p>15 would park and getting different -- as far as Jane</p> <p>16 Doe 3 and Jane Doe 4, getting different parking</p> <p>17 spaces assigned. I'm sure we had discussions. I</p> <p>18 can't specifically recall, but there was concern</p> <p>19 about them feeling safe, I can tell you that.</p> <p>20 Q. Who had the concerns?</p> <p>21 A. I believe it was Jane Doe 3 and I talked</p> <p>22 about it.</p> <p>23 Q. And was there a decision ever made to</p> <p>24 allow Jane Doe 2 and Jane Doe 1 to continue to</p>                                             | <p>Page 112</p> <p>1 courthouse.</p> <p>2 Q. And who were those conversations</p> <p>3 regarding parking and doors and things of that</p> <p>4 nature?</p> <p>5 A. Well, initially the conversations were</p> <p>6 with Jane Doe 3 and Jane Doe 4, they requested it.</p> <p>7 And then the conversations were with Gary Bender,</p> <p>8 as well as Solicitor Roth.</p> <p>9 Q. So as I understand it, Jane Doe 3 and</p> <p>10 Jane Doe 4 had concerns -- because Jane Doe 3 and</p> <p>11 Jane Doe 4 were never furloughed, correct?</p> <p>12 A. Correct.</p> <p>13 Q. They were still coming in to the</p> <p>14 courthouse to work, correct?</p> <p>15 A. Yes.</p> <p>16 Q. And they brought to you their concerns</p> <p>17 of, hey, our parking spots are here, which were in</p> <p>18 the lower lot at the time, correct?</p> <p>19 A. Yes.</p> <p>20 Q. And Commissioner Halcovage parks in the</p> <p>21 lower lot?</p> <p>22 A. Yes.</p> <p>23 Q. We have concerns that we will run into</p> <p>24 him and it makes us uncomfortable and feels</p>                                                                                       |
| <p>Page 111</p> <p>1 work from home? Or I guess they were furloughed,</p> <p>2 so they weren't working, correct?</p> <p>3 A. Correct. Furloughed people were not</p> <p>4 working, but there were people who were working</p> <p>5 from home. But I don't -- I don't know who was</p> <p>6 working. I mean, we had --</p> <p>7 Q. Right.</p> <p>8 A. -- 650 people that we were following.</p> <p>9 Q. Were there discussions and/or decisions</p> <p>10 made regarding Jane Doe 1 and Jane Doe 2 being</p> <p>11 able to -- instead of return for furlough, work</p> <p>12 from home?</p> <p>13 A. There were discussions. Sorry, in my</p> <p>14 head I'm remembering the whole parking space thing</p> <p>15 and I'm thinking they had to be -- they had to</p> <p>16 have returned or we wouldn't have had the</p> <p>17 conversations. I don't know. I'm thinking -- I</p> <p>18 know there were discussions. Whether they</p> <p>19 continued to do some work from home or not, I</p> <p>20 don't know. I don't remember. I know that there</p> <p>21 were concerns about entry into the courthouse and</p> <p>22 what doors were being used and them running into</p> <p>23 George, so I'm thinking that I wouldn't have had</p> <p>24 those concerns if they were not there in the</p> | <p>Page 113</p> <p>1 unsafe?</p> <p>2 A. Yes, that's correct.</p> <p>3 Q. As a result of that, it's my</p> <p>4 understanding that you went and spoke with</p> <p>5 Defendant Bender and Defendant Roth about Jane Doe</p> <p>6 3 and Jane Doe 4's concerns?</p> <p>7 A. Yes.</p> <p>8 Q. What was Defendant Bender's response.</p> <p>9 Strike that.</p> <p>10 What was your -- did you give a</p> <p>11 suggestion as to what should happen given the</p> <p>12 concerns raised?</p> <p>13 A. Yes. I felt, so give them a different</p> <p>14 parking space. It doesn't cost you any money. It</p> <p>15 doesn't do anything. It shows good faith.</p> <p>16 Q. What was Defendant Bender's response to</p> <p>17 your suggestion or position?</p> <p>18 A. Well, I think there were conversations</p> <p>19 going on at multiple times. He had had</p> <p>20 conversations with Solicitor Roth. He came into</p> <p>21 my office, asked me my opinion. I said, look,</p> <p>22 it's not going to cost you anything. It's going</p> <p>23 to show good faith. We have an obligation,</p> <p>24 there's a complaint made, we have an obligation.</p> |

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| <p>Page 114</p> <p>1 He said Solicitor Roth felt that there</p> <p>2 was absolutely no need to accommodate a parking</p> <p>3 space. I said I disagree, for the reasons I just</p> <p>4 stated. He then got them different parking</p> <p>5 spaces.</p> <p>6 Q. Okay.</p> <p>7 After Jane Doe 3 and Jane Doe 4 were</p> <p>8 given different parking spaces, there were also</p> <p>9 conversations about Defendant Halcovage's</p> <p>10 movements throughout the courthouse, as well as</p> <p>11 what entrances individuals involved in this matter</p> <p>12 should use?</p> <p>13 A. Yes.</p> <p>14 Q. Tell us about those conversations. Who</p> <p>15 was involved? What happened?</p> <p>16 A. There were a ton of people there. So I</p> <p>17 was there, the sheriff was there, Bender was</p> <p>18 there, Commissioner Hetherington was there. I</p> <p>19 can't remember whether Commissioner Hess was there</p> <p>20 or not or if he was out for some reason. There</p> <p>21 were other people there.</p> <p>22 Sorry. In my head I am trying to go --</p> <p>23 we were sitting in the Hoffmann room. I'm trying</p> <p>24 to remember who all was around that. There were</p> | <p>Page 116</p> <p>1 this all broke, there were -- it's Schuylkill</p> <p>2 County, there were rumors. But he was stating --</p> <p>3 he said how Commissioner Halcovage was getting --</p> <p>4 that he was kicked out of his church. He had a</p> <p>5 number of things. And he felt that with losing</p> <p>6 all of these things that were important to him,</p> <p>7 that he was afraid Commissioner Halcovage would do</p> <p>8 something harmful to himself or to others.</p> <p>9 Q. Did you have a similar concern?</p> <p>10 A. At that time, no, I didn't. And I was</p> <p>11 one of the ones -- Commissioner Hetherington went</p> <p>12 through the five concerns or the five issues that</p> <p>13 Sheriff Groody had brought up and he disputed and</p> <p>14 showed how each one was not true. And based on</p> <p>15 that, I said, look, the five reasons that you're</p> <p>16 your saying you want to do this have just been</p> <p>17 disputed and proven that they're not true. What</p> <p>18 else are you making this decision? If the reason</p> <p>19 for the decision -- if all five had been disputed,</p> <p>20 and they had been, and verified by other people,</p> <p>21 he didn't have a basis for the decision he was</p> <p>22 wanting to make. No, at the time I did not share</p> <p>23 the same concerns.</p> <p>24 Q. Okay.</p> |
| <p>Page 115</p> <p>1 other people, I can't remember who else was there.</p> <p>2 Q. Okay.</p> <p>3 What was --</p> <p>4 A. It might have. I don't remember whether</p> <p>5 President Judge was there or not.</p> <p>6 Q. What was the topic of conversation?</p> <p>7 A. The sheriff felt that there should be --</p> <p>8 that Commissioner Halcovage's access should be</p> <p>9 limited. He was very concerned about safety for</p> <p>10 the women and in general.</p> <p>11 Q. When you say the sheriff, you mean</p> <p>12 Sheriff Groody?</p> <p>13 A. Sorry. Yes. Sheriff Groody.</p> <p>14 Q. He's the head sheriff, but I just wanted</p> <p>15 to make sure we were talking about the same</p> <p>16 person.</p> <p>17 A. Yes.</p> <p>18 Q. What was the -- what were the</p> <p>19 individuals who participated opinions on</p> <p>20 restricting or limiting --</p> <p>21 A. So Commissioner Groody -- sorry --</p> <p>22 Sheriff Groody had concerns. And he -- and I</p> <p>23 remember going through them on my hand, I know</p> <p>24 there were five. He felt -- and, you know, when</p>                                                                                     | <p>Page 117</p> <p>1 Do you know, did this conversation</p> <p>2 happen before or after you spoke with Jane Doe 1</p> <p>3 for the first time regarding her reports?</p> <p>4 A. I don't remember. I don't remember at</p> <p>5 what point in time it happened.</p> <p>6 Q. Okay.</p> <p>7 A. But it was before September 4th, because</p> <p>8 I was no longer there then.</p> <p>9 Q. Understood.</p> <p>10 And after May 22nd?</p> <p>11 A. Correct. Somewhere in there, yes.</p> <p>12 Q. At some point during -- just at some</p> <p>13 point, I guess. Did your opinion change as to</p> <p>14 whether you had concerns regarding Defendant</p> <p>15 Halcovage's -- safety concerns regarding Defendant</p> <p>16 Halcovage?</p> <p>17 A. Yes.</p> <p>18 Q. Do you know at what point in time that</p> <p>19 change? Let's start with what point in time it</p> <p>20 changed.</p> <p>21 A. I actually think that changed after I</p> <p>22 left the courthouse.</p> <p>23 Q. Okay.</p> <p>24 Do you know what changed your opinion?</p>                                                                                                                                                                                                                                                                                                                       |

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| <p>Page 118</p> <p>1 A. Yeah. I think all of the events that<br/>2 occurred after I left, the retaliation, the<br/>3 nastiness, everything that transpired from, I<br/>4 guess, September 4th through current day, yeah.<br/>5 Q. When or how did you decide who else at<br/>6 the county needed to be interviewed regarding Jane<br/>7 Doe 1's reports?<br/>8 A. As I was interviewing people and<br/>9 names -- if someone stated someone was present<br/>10 during a comment or during a conversation, then<br/>11 obviously I had to start including those people<br/>12 into the investigation.<br/>13 Q. And at some point did you come to the<br/>14 decision or conclusion that you had interviewed<br/>15 everybody that had information regarding the<br/>16 allegations? I guess my question is: Why did you<br/>17 start writing a final report at the point you did?<br/>18 A. Because I felt that I had spoken within<br/>19 everyone that had been at least mentioned as<br/>20 having some knowledge. With that said, either --<br/>21 you know, people in the maintenance department who<br/>22 had been there on a 24/7 period, you know, did<br/>23 they -- people alluded that they might know<br/>24 something, but said they didn't and left it at</p> | <p>Page 120</p> <p>1 They -- I interviewed Jane Doe 1. I interviewed<br/>2 George. I think I interviewed George -- I don't<br/>3 remember who I interviewed. I think I interviewed<br/>4 George first because after interviewing Jane Doe<br/>5 1, there were discrepancies and I -- somebody was<br/>6 not being totally honest and I wanted to know who<br/>7 was not being totally honest. I decided to do<br/>8 that by -- I didn't know Jane Doe 1 as well as I<br/>9 knew George. I didn't have as many conversations<br/>10 with Jane Doe 1 as I had had with George, so I<br/>11 decided to ask George additional questions that I<br/>12 already knew the answers to because I wanted to<br/>13 see if he would be honest.<br/>14 Q. Was there anything that you knew the<br/>15 answers to that you believe Defendant Halcovage<br/>16 was not honest about?<br/>17 A. Yes.<br/>18 Q. We'll get to that in a little bit.<br/>19 If we look at the first page, Jane Doe<br/>20 3, your initial conversation with Jane Doe 3. In<br/>21 the end of the second line, it says: She said<br/>22 that Jane Doe 1 had confided in her over the past<br/>23 few days and then told her that she, Jane Doe 1,<br/>24 had been in a relationship with George Halcovage</p> |
| <p>Page 119</p> <p>1 that.<br/>2 Q. At the point that you decided to start<br/>3 writing your final report, did you feel that you<br/>4 had enough information to come to a conclusion<br/>5 regarding Jane Doe 1 reports?<br/>6 A. Regarding all of them. I think in my<br/>7 final report, I addressed all -- because by this<br/>8 point, you know, all four -- there were now four<br/>9 people filing a claim, not just Jane Doe 1. I<br/>10 believe that I had enough information to be able<br/>11 to determine whether or not county policies had<br/>12 been violated. And, yes, I felt I had enough<br/>13 information after having spoken with Jane Doe 1<br/>14 once and George Halcovage twice. I believe I<br/>15 had -- because there were discrepancies in the two<br/>16 statements, so I did a second interview.<br/>17 Q. When you say discrepancy between the two<br/>18 statements, because you mentioned Jane Doe 1 and<br/>19 George twice, do you mean discrepancies between<br/>20 Jane Doe 1 and George or discrepancies between<br/>21 George's first statement and George's second<br/>22 statement?<br/>23 A. Discrepancies about situation -- things<br/>24 that happened between the Jane Doe 1 and George.</p>                               | <p>Page 121</p> <p>1 for approximately the past seven years. That this<br/>2 relationship had ended in the past month or two.<br/>3 Do you recall if Jane Doe 3 explained to<br/>4 you that Jane Doe 1 had started to tell her about<br/>5 characters in a book without divulging who those<br/>6 people were?<br/>7 A. Yes, I do recall that. That sounds<br/>8 familiar.<br/>9 Q. That was in -- do you know if that was<br/>10 what she had been divulging in the days leading up<br/>11 to May 22nd or was that before that time period?<br/>12 A. I can't say completely. I can say that<br/>13 I know what you're talking about because Jane Doe<br/>14 3 did make those -- I recall her saying those<br/>15 things.<br/>16 Q. Okay.<br/>17 Do you recall if Jane Doe 3 told you<br/>18 that when Jane Doe 1 e-mailed her, that that was<br/>19 the first time she knew that there was something<br/>20 sexual involved with -- or something sexual that<br/>21 had happened between Defendant Halcovage and Jane<br/>22 Doe 1?<br/>23 A. Yes.<br/>24 Q. So the days leading up to it, up to</p>                                                                                                                                                                     |

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| <p>Page 122</p> <p>1 May 22nd, Jane Doe 3 didn't have definitive<br/>2 information?</p> <p>3 A. No. No. No. Well, that's what she<br/>4 told me and I believe her.</p> <p>5 Q. Okay.</p> <p>6 The next paragraph states: During the<br/>7 conversations the past few days, Jane Doe 3 asked<br/>8 Jane Doe 1 if she remember the first time a sexual<br/>9 advance from George Halcovage had occurred.</p> <p>10 Do you know if that period of time of<br/>11 the past few days is referring to May 21st, May<br/>12 22nd, or something different?</p> <p>13 A. You mean here where I say during the<br/>14 conversations of the past few days?</p> <p>15 Q. Right.</p> <p>16 A. I got the impression it was like the<br/>17 past three, four days. Like certainly less than a<br/>18 week.</p> <p>19 Q. That Jane Doe 3 had spoken with Jane Doe<br/>20 1?</p> <p>21 A. Yes.</p> <p>22 Q. I guess, if you believed Jane Doe 3 that<br/>23 the e-mail that Jane Doe 1 sent on May 21st at<br/>24 night was the first time, I'm trying to figure out</p>                                                                                                                                                  | <p>Page 124</p> <p>1 The next couple sentences in the next<br/>2 paragraph are what Jane Doe 3 told you she had<br/>3 learned from Jane Doe 1, correct?</p> <p>4 A. Yes.</p> <p>5 Q. And you don't recall, based off your<br/>6 testimony just now, when Jane Doe 3 told you she<br/>7 had received that information from Jane Doe 1?</p> <p>8 A. When you say received the information, I<br/>9 know she had gotten the e-mail from someone at<br/>10 your office, whatever his name was. Then that<br/>11 night before I think she forwarded to me right<br/>12 after she got it, the e-mail.</p> <p>13 Q. Right.</p> <p>14 A. But the conversations with her and --<br/>15 she's going to be better able to answer that than<br/>16 I will.</p> <p>17 Q. If we turn to the next page in the<br/>18 second paragraph, starts with Jane Doe 3.<br/>19 Do you see that?</p> <p>20 A. Uh-huh.</p> <p>21 Q. It says, Jane Doe 3 stated that George<br/>22 made frequent visits to the tax assessment office<br/>23 which usually ended with Jane Doe 1 being upset.<br/>24 A. Uh-huh.</p>                                                              |
| <p>Page 123</p> <p>1 why those aren't the same -- is this talking about<br/>2 the book conversations, possibly?</p> <p>3 A. No. This was -- I went to -- after I<br/>4 got to initial e-mail, I went to Jane Doe 3's<br/>5 office. She started talking. I didn't have pen<br/>6 and paper taking notes. She said that she had<br/>7 been talking with Jane Doe 1 over the past few<br/>8 days and these were the things she had learned.</p> <p>9 Q. So the e-mail from the night before was<br/>10 not the first time that Jane Doe 3 had learned of<br/>11 the issue?</p> <p>12 A. You'll have to ask Jane Doe 3 that. I<br/>13 don't know.</p> <p>14 Q. Just because it's in your wording, so I<br/>15 am trying to figure out if maybe you were meaning<br/>16 that the past few days, the May 21st and May 22nd,<br/>17 like Jane Doe 3 -- let me strike that.</p> <p>18 Did Jane Doe 3 tell you since receiving<br/>19 the e-mail from Jane Doe 1 that she then alerted<br/>20 you about, had she spoken with Jane Doe 1?</p> <p>21 A. I got the impression she had spoken with<br/>22 her just a couple days. Like, it was -- I<br/>23 don't -- that's all I can tell you.</p> <p>24 Q. Okay.</p> | <p>Page 125</p> <p>1 Q. This is Jane Doe 3's statement to you<br/>2 about what she personally observed, correct?</p> <p>3 A. Correct, uh-huh.</p> <p>4 Q. And then it goes on to say that the<br/>5 visits were not work related. Again, that's Jane<br/>6 Doe 3 observation she relayed to you?</p> <p>7 A. Yes, uh-huh.</p> <p>8 Q. If we go two paragraphs down, it says<br/>9 that Jane Doe 3 said that she and Jane Doe 4<br/>10 wanted to speak with me concerning things they had<br/>11 been told and things that had been witnessed.<br/>12 That is -- the me in that sentence is<br/>13 you, correct?</p> <p>14 A. Yes.</p> <p>15 Q. So after Jane Doe 3 -- I guess my first<br/>16 question is: Is this -- this is that first period<br/>17 of time before you went to Bender and alerted him?</p> <p>18 A. Correct. Correct.</p> <p>19 Q. At that point, does Jane Doe 4 come into<br/>20 the office or --</p> <p>21 A. When I came -- I went and got pen and<br/>22 paper, spoke with Gary Bender, went back to the<br/>23 office. I believe Jane Doe 4 was there or Jane<br/>24 Doe 3 called her and said she also wanted to speak</p> |



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| <p>Page 126</p> <p>1 with me. So I spoke with Jane Doe 3, Jane Doe 4<br/> 2 was in the room. I spoke with Jane Doe 4. We<br/> 3 were all sitting in Jane Doe 3's office.<br/> 4 Q. So the first initial --<br/> 5 A. Was just Jane Doe 3 and myself.<br/> 6 Q. And then -- but during that, she said,<br/> 7 hey, also, by the way, I have some information --<br/> 8 A. Yes.<br/> 9 Q. -- I would like to talk with you about?<br/> 10 A. Yes.<br/> 11 Q. And also I think you should speak with<br/> 12 Jane Doe 4?<br/> 13 A. Yes.<br/> 14 Q. That's when you go tell Bender, get pen<br/> 15 and paper, come back, and have a full conversation<br/> 16 with the two --<br/> 17 A. Yes.<br/> 18 Q. -- Jane Doe 3 and Jane Doe 4?<br/> 19 A. Yes. And I believe it was during that<br/> 20 second -- at the beginning of that second time I<br/> 21 went to Jane Doe 3's office that we -- I mentioned<br/> 22 that I wanted to speak with Jane Doe 2 as well.<br/> 23 We called Jane Doe 2 -- Jane Doe 2. She was on the<br/> 24 phone -- she answered the phone. I believe my</p>                                                                                  | <p>Page 128</p> <p>1 you didn't have -- it appears you didn't have the<br/> 2 same concern?<br/> 3 A. I did not.<br/> 4 Q. Why did you feel that it would be<br/> 5 handled correctly?<br/> 6 A. Because like I said, there was a point<br/> 7 in time I considered Gary Bender a friend. I<br/> 8 believed he was -- I believed he was a good man<br/> 9 who would do the right thing.<br/> 10 Q. Do you still have that same feeling<br/> 11 about him now?<br/> 12 A. No.<br/> 13 Q. Did you have any concern, because in<br/> 14 2020, you had worked in the county --<br/> 15 A. Two and a half years.<br/> 16 Q. -- two and a half years.<br/> 17 Did you have any concern about Defendant<br/> 18 Bender or Defendant Roth's relationship with<br/> 19 Defendant Halcovage influencing the investigation?<br/> 20 A. I did not have concerns at the time<br/> 21 about Gary Bender, simply because the first words<br/> 22 out of his mouth when I told him was -- and he<br/> 23 said it in his stern voice, we do this by the<br/> 24 book. And I'm like, you're damn straight we do</p>                                                                                                                                                                                                                   |
| <p>Page 127</p> <p>1 first question to her was, have you retained an<br/> 2 attorney. She said not yet. I said I would like<br/> 3 to speak with you. She agreed to come in -- well,<br/> 4 later agreed to come in that afternoon.<br/> 5 Q. If we look to the second to last<br/> 6 paragraph before the bold, the end of it, it says<br/> 7 you told Jane Doe 3 that you were going to go<br/> 8 speak with County Administrator Defendant Bender<br/> 9 and she expresses some concerns about you<br/> 10 discussing this with Bender and first assistant<br/> 11 solicitor risk manager. So that would be Jane Doe<br/> 12 3 expressed concerns that sharing or discussing<br/> 13 the issue with Bender and Roth, correct?<br/> 14 A. Yes.<br/> 15 Q. Do you remember what her concerns were?<br/> 16 A. I believe the concern was that she felt<br/> 17 it would be swept under the rug, that they would<br/> 18 cover it up.<br/> 19 Q. Do you know why she felt that way; did<br/> 20 she tell you?<br/> 21 A. I don't know that we specifically said.<br/> 22 You'd have to ask her that.<br/> 23 Q. Okay.<br/> 24 It indicates in the last sentence that</p> | <p>Page 129</p> <p>1 this by the book?<br/> 2 As far as Solicitor Roth, I can tell you<br/> 3 an incident that happened with him and I, a<br/> 4 conversation that I'll just let it speak for<br/> 5 itself. There was an incident that happened with<br/> 6 our clerk of courts. An individual supposedly had<br/> 7 came to my office, I wasn't there, I was in<br/> 8 teamsters meetings, union negotiation meeting.<br/> 9 This woman shows up, says she had been fired.<br/> 10 Apparently was so stressed that she -- they<br/> 11 thought she was having a stroke. Gary Bender<br/> 12 came, pulled me out of a union negotiation<br/> 13 meeting. Had -- I went over, this woman literally<br/> 14 couldn't move. Her eyes were closed. Literally<br/> 15 there -- an ambulance had been called. They came.<br/> 16 They were treating her. I went back, I told them<br/> 17 I would be right back. I went back, ended the<br/> 18 union negotiation meeting. Came back. This woman<br/> 19 was wheeled out in an ambulance.<br/> 20 Fast forward a couple days, there were<br/> 21 discussions about -- because the clerk of courts<br/> 22 said this woman quit. It's like when someone<br/> 23 quits, they don't leave in an ambulance. They<br/> 24 don't end up in such a severe panic attack that</p> |

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| <p style="text-align: right;">Page 130</p> <p>1 they literally -- you think they're having a</p> <p>2 stroke. Solicitor Roth and I had gotten in</p> <p>3 conversations about this. I told him that if I</p> <p>4 was -- I was told I didn't need to go to the</p> <p>5 unemployment hearing because they knew I would say</p> <p>6 I think she was fired.</p> <p>7 I told him if I was subpoenaed, I would</p> <p>8 go. He told me that if I went, he would --</p> <p>9 MR. LETTRICH: Ms. Twigg, if I</p> <p>10 could just stop you there. I am not quite sure</p> <p>11 where this story is going.</p> <p>12 THE WITNESS: I am going to tell</p> <p>13 you.</p> <p>14 MR. LETTRICH: Okay. But -- but --</p> <p>15 THE WITNESS: It's going to end</p> <p>16 right here.</p> <p>17 MR. LETTRICH: Before you do, the</p> <p>18 only thing I would caution you about is, in the</p> <p>19 event he was providing you with legal advice in</p> <p>20 your capacity as the human resources --</p> <p>21 THE WITNESS: No, it wasn't.</p> <p>22 MR. LETTRICH: It's not about that.</p> <p>23 Okay. Then that's fine.</p> <p>24 THE WITNESS: No. What he told me</p>                                                                                                                                                     | <p style="text-align: right;">Page 132</p> <p>1 on, did you have any concern or pause or</p> <p>2 hesitation about Defendant Halcovage being able to</p> <p>3 have influence over the investigation?</p> <p>4 A. No, because I was not going -- no,</p> <p>5 because I was the one, for the most part, doing</p> <p>6 the investigation, no. And I do feel during that</p> <p>7 time, Gary Bender was very supportive of me, or at</p> <p>8 least portrayed that.</p> <p>9 Q. Okay. That's fair.</p> <p>10 If we look to the middle or towards the</p> <p>11 bottom of the page, there's the bold: Discussion</p> <p>12 with Jane Doe 3, Friday, May 22, 2020, and</p> <p>13 subsequent follow up over the next week.</p> <p>14 A. Uh-huh.</p> <p>15 Q. Does this section encompass both what</p> <p>16 then was discussed post getting the pen and</p> <p>17 notifying Bender and other conversations you --</p> <p>18 A. Well, getting the pen -- what was</p> <p>19 discussed was what I remembered without writing</p> <p>20 stuff down. That was the first part.</p> <p>21 Q. Right.</p> <p>22 That's that first page --</p> <p>23 A. This --</p> <p>24 Q. Hold on one second, Ms. Twigg.</p>                           |
| <p style="text-align: right;">Page 131</p> <p>1 was that he would destroy my credibility on the</p> <p>2 stand if I testified. And I said knowing that I'm</p> <p>3 telling the truth and that the clerk of courts is</p> <p>4 lying, you would destroy my professional</p> <p>5 credibility. He said that's my job. And I looked</p> <p>6 at him and told him his job sucks. And I asked</p> <p>7 him how he slept at night and how he looked in the</p> <p>8 mirror. He got up and walked out.</p> <p>9 So, no, I don't necessarily --</p> <p>10 didn't necessarily trust that Solicitor Roth, nor</p> <p>11 to this day, do I trust that Solicitor Roth would</p> <p>12 do the right thing because he blatantly told me he</p> <p>13 wouldn't. He would destroy someone he knew was</p> <p>14 telling the truth, just to win. And he said that</p> <p>15 was his job, to defend the county. I told him I</p> <p>16 worked for the county, so who defends me. He sort</p> <p>17 of shrugged.</p> <p>18 Did I answer your question?</p> <p>19 BY MS. SMITH:</p> <p>20 Q. You did. I appreciate that. Thank you,</p> <p>21 Ms. Twigg.</p> <p>22 Did you have concerns -- having worked</p> <p>23 in the county for two and a half years and having</p> <p>24 observed courthouse operations, things that went</p> | <p style="text-align: right;">Page 133</p> <p>1 So before getting the pen and notifying</p> <p>2 Bender where you didn't have pen and paper, is the</p> <p>3 first page under the bold --</p> <p>4 A. Yes.</p> <p>5 Q. -- into the second page?</p> <p>6 A. Yes.</p> <p>7 Q. Then we have a second bolded section.</p> <p>8 A. And this is where I went back and</p> <p>9 started writing things down. I think I have</p> <p>10 already said that there were times where, in my</p> <p>11 memory, I remembered her saying something, but I</p> <p>12 didn't necessarily have a note on it. I went back</p> <p>13 to her and said, hey, this is what I recall you</p> <p>14 saying. Is this accurate. That's what that</p> <p>15 means, subsequent follow-up conversation over the</p> <p>16 next week when I was trying to go back and</p> <p>17 reconstruct in a typewritten form, I had questions</p> <p>18 and I said, hey, is this what you said, so that's</p> <p>19 what that is.</p> <p>20 Q. So there weren't other sit-down</p> <p>21 interviews in a formal sense?</p> <p>22 A. No. It was -- no. It was more...</p> <p>23 Q. And then a few pages later there's a</p> <p>24 bolded discussion with Jane Doe 4</p> |

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| <p>Page 134</p> <p>1 That's similarly was that same -- this section</p> <p>2 is for the conversation you had that involved</p> <p>3 Jane Doe 3 and Jane Doe 4 at the same</p> <p>4 time?</p> <p>5 A. Yes.</p> <p>6 Q. So if we go back to the Jane Doe 3</p> <p>7 section.</p> <p>8 These are all -- this first paragraph is</p> <p>9 all what Jane Doe 3 relayed to you that she had</p> <p>10 observed, correct?</p> <p>11 A. I believe --</p> <p>12 MS. IPPOLITO: Can you advocate</p> <p>13 which page you're referring to?</p> <p>14 MS. SMITH: There's no numbers.</p> <p>15 It's the bolded -- it's Page 2, though. But it's</p> <p>16 the bolded section, discussions with Jane Doe 3,</p> <p>17 Friday, May 22nd, and subsequent follow up over</p> <p>18 the next week. The paragraph I'm referring to</p> <p>19 starts with Jane Doe 3 started the conversation.</p> <p>20 BY MS. SMITH:</p> <p>21 Q. These are all -- these are your notes as</p> <p>22 it relates to what Jane Doe 3 conveyed to you she</p> <p>23 had observed and/or what she saw, correct?</p> <p>24 A. Yes. I'm just looking to see if it</p> | <p>Page 136</p> <p>1 from; who established it?</p> <p>2 A. No. It was that way when I got there.</p> <p>3 But I can tell you there were exceptions. I can</p> <p>4 tell you there were -- there was a particular</p> <p>5 situation in 911 where the supervisors were all</p> <p>6 getting increases because I then went to Gary</p> <p>7 Bender and said, hey, you know what, I'm</p> <p>8 underpaid. If you can give these guys an</p> <p>9 increase, why can't you give me one.</p> <p>10 Q. What was his response?</p> <p>11 A. He basically said it couldn't be done.</p> <p>12 And we had that discussion numerous times.</p> <p>13 Finally I went to him and I said, why don't you</p> <p>14 show me the policy that says it can't be done</p> <p>15 because I haven't found one. What you're telling</p> <p>16 me is you just don't want to do it.</p> <p>17 Q. Do you know the individuals who were --</p> <p>18 the 911 individuals you just --</p> <p>19 A. They were the 911 supervisors. We had</p> <p>20 just finished the union contract, they are under</p> <p>21 ATSME, under the ATSME union contract. There were</p> <p>22 increases for the 911 operators. It sort of</p> <p>23 started what would formerly be called a pay</p> <p>24 compression, you know, with the supervisors. So</p> |
| <p>Page 135</p> <p>1 says -- yeah, these are what she observed. It</p> <p>2 doesn't seem to be anything that was relayed from</p> <p>3 Jane Doe 1 to Jane Doe 3.</p> <p>4 Q. If we look to the next page, so Page 3,</p> <p>5 the paragraphs that starts with, Jane Doe 3 talked</p> <p>6 about when she was hired -- next, Jane Doe 3</p> <p>7 talked about when she was hired. This paragraph</p> <p>8 talks about her request for a pay increase and her</p> <p>9 having to take on additional duties.</p> <p>10 A. Uh-huh.</p> <p>11 Q. At any point in your employment with</p> <p>12 Schuylkill County, did you become aware that the</p> <p>13 practice of the county was that pay increases</p> <p>14 would only be given if one assumed additional</p> <p>15 duties?</p> <p>16 A. Yes.</p> <p>17 Q. And --</p> <p>18 A. With the exception of every year there's</p> <p>19 a 3 percent increase.</p> <p>20 Q. Fair enough. Thank you.</p> <p>21 This wasn't a policy, I guess, first,</p> <p>22 correct?</p> <p>23 A. It's not written policy, no.</p> <p>24 Q. Do you know where this practice came</p>              | <p>Page 137</p> <p>1 they wanted to increase the supervisors so that</p> <p>2 they -- when it came time to needing to fill a</p> <p>3 supervisor position, higher salary would be an</p> <p>4 incentive, where as if the operators were making</p> <p>5 more than that supervisors, we wouldn't be able to</p> <p>6 have anyone to move up.</p> <p>7 Q. Who is the, they, that wanted to</p> <p>8 accomplish this?</p> <p>9 A. The head of 911, Scott Crater and Gary</p> <p>10 Bender was in agreement with it. I guess the</p> <p>11 commissioners had to be in agreement to approve.</p> <p>12 Q. The supervisors of 911, how many, do you</p> <p>13 know, were there?</p> <p>14 A. I don't. It's 911. They run three</p> <p>15 shifts, 24/7, 365, so there are numerous</p> <p>16 employees. Maybe eight or nine. I don't know.</p> <p>17 Q. Okay.</p> <p>18 You said -- I think you mentioned</p> <p>19 numerous exceptions to this practice of the</p> <p>20 county.</p> <p>21 Do you recall any others?</p> <p>22 A. The prison guards, again, the captains</p> <p>23 got increases. Those are the ones I can think of</p> <p>24 off the top of my head.</p>                                                                                                                                           |

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| <p>Page 138</p> <p>1 Q. Okay.</p> <p>2 If we go down two paragraphs, it starts</p> <p>3 with: Jane Doe 3 stated after this, George did</p> <p>4 not speak to her for over one year.</p> <p>5 Do you see that?</p> <p>6 A. Uh-huh.</p> <p>7 Q. Do you recall observing anything related</p> <p>8 to Jane Doe 3's statement here in this paragraph?</p> <p>9 A. I know that they didn't speak.</p> <p>10 Q. Did you ever discuss the fact that</p> <p>11 Defendant Halcovage, a commissioner in the county,</p> <p>12 didn't speak with one of his department heads for</p> <p>13 a year?</p> <p>14 A. We did have one conversation. I can't</p> <p>15 remember the details, but I remember having that</p> <p>16 discussion.</p> <p>17 Q. With whom?</p> <p>18 A. With George.</p> <p>19 Q. Okay.</p> <p>20 You don't know what -- recall it?</p> <p>21 A. No.</p> <p>22 Q. Did you know if -- did you ever hear</p> <p>23 Defendant Roth or Defendant Bender make any</p> <p>24 comments about it?</p>                                                                                                                                                                                                                                             | <p>Page 140</p> <p>1 Q. When you started with the county --</p> <p>2 sorry. Were you a registered Democrat or</p> <p>3 Republican?</p> <p>4 A. Republican.</p> <p>5 Q. Were you informed that you needed to</p> <p>6 change your party at any time?</p> <p>7 A. No.</p> <p>8 Q. Did anybody ever tell you that they had</p> <p>9 been told they needed to change their party?</p> <p>10 A. I can tell you when I went to -- at the</p> <p>11 end of my first year, the administrative assistant</p> <p>12 in HR resigned and I wanted to hire a woman that I</p> <p>13 knew from high school. She was a single mom. She</p> <p>14 was working at the school district as an assistant</p> <p>15 librarian making like \$11 an hour. She had had</p> <p>16 administrative type skills, jobs in the past. I</p> <p>17 thought, you know what, this is someone I would</p> <p>18 trust. I could help her, at the same time help</p> <p>19 me. I would be able to quickly find someone to</p> <p>20 replace the person that was leaving.</p> <p>21 I had her come in. I interviewed her.</p> <p>22 I had Gary Bender interview her. I wanted to hire</p> <p>23 her. Obviously Gary told me I needed, you know,</p> <p>24 talk to George, make sure he doesn't have anybody</p>                                                                                                                                   |
| <p>Page 139</p> <p>1 A. Not so much Bender, but probably Roth.</p> <p>2 And just in passing, that they didn't speak. I</p> <p>3 mean, no details, none that I remember anyway. I</p> <p>4 can tell you I was surprised when Commissioner</p> <p>5 Halcovage came to me, stating that he was looking</p> <p>6 at -- he was -- the consideration of combining the</p> <p>7 two offices and that he felt that Jane Doe 3 would</p> <p>8 be the person, the good person to do that job, to</p> <p>9 do both. He felt she would be very successful at</p> <p>10 it. I was sort of surprised because I knew there</p> <p>11 was sort of a rift between them.</p> <p>12 Q. If we turn to the next page, I think we</p> <p>13 are on Page 4 now. We want the section for Jane</p> <p>14 Doe 4.</p> <p>15 A. Uh-huh.</p> <p>16 Q. Jane Doe 4 then, in addition to Jane Doe</p> <p>17 3, relayed her own concerns and observations</p> <p>18 regarding Defendant Halcovage, correct?</p> <p>19 A. Yes.</p> <p>20 Q. Do you know if -- did Jane Doe 4 at any</p> <p>21 point convey to you similar concerns that Jane Doe</p> <p>22 3 had related to Defendant Bender and Defendant</p> <p>23 Roth being involved in the investigation?</p> <p>24 A. Yes.</p> | <p>Page 141</p> <p>1 who is in line, who he has in mind. So I went to</p> <p>2 George. I asked him. He basically told me I</p> <p>3 needed to go to her and have her change her party.</p> <p>4 She was listed as an independent and I stated</p> <p>5 that. And he said that he would get flack from, I</p> <p>6 guess, the Republican party for hiring someone who</p> <p>7 wasn't a Republican.</p> <p>8 I thought about it and then I went to</p> <p>9 Gary -- I typically met with Gary Bender every day</p> <p>10 at 4:00, just to update him on things that were</p> <p>11 going on. I went to him, I told him I was not</p> <p>12 comfortable doing this. His response was that I</p> <p>13 should go to the other two commissioners and get</p> <p>14 it approved because you only need two votes. I</p> <p>15 said I'm not going to do that because that is</p> <p>16 going to set up -- it just wouldn't be a good out.</p> <p>17 I didn't think it was smart to do that. So I went</p> <p>18 to George and I told him I was not comfortable</p> <p>19 going to Ann and asking her to change her</p> <p>20 political party. And I said that I would post the</p> <p>21 job, I just wouldn't hire her. And he told me I</p> <p>22 didn't have to do that. I, could just hire her.</p> <p>23 Q. When you went to the Defendant Halcovage</p> <p>24 initially about hiring this individual, you</p> |



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| <p style="text-align: right;">Page 142</p> <p>1 indicated that you went to him because you wanted</p> <p>2 to make sure he didn't have anyone in line for the</p> <p>3 position?</p> <p>4 A. In mind, yeah.</p> <p>5 Q. What do you mean by that?</p> <p>6 A. Well, I think I mentioned earlier, if</p> <p>7 there's an open position, you know, whether it was</p> <p>8 George or Gary Hess or Frank Staudenmeier, if the</p> <p>9 commissioners had someone in mind for a position,</p> <p>10 they would obviously find that out first.</p> <p>11 Q. So if Defendant Halcovage had had</p> <p>12 someone in mind, would it have been that their</p> <p>13 candidate would have been the individual selected?</p> <p>14 A. I can give you an example if you'd like.</p> <p>15 Q. Sure.</p> <p>16 A. I can tell you I was not Gary Bender's</p> <p>17 first choice and he made that very clear, which is</p> <p>18 probably why when I asked for a higher salary, it</p> <p>19 was made very clear, sternly, that that was going</p> <p>20 to be the salary. I guess that was my punishment.</p> <p>21 He had -- there was a man that had interviewed who</p> <p>22 apparently had, in Gary Bender's terms, put his</p> <p>23 time in with the political party and he deserved</p> <p>24 that -- that job. I can tell you that it was</p> | <p style="text-align: right;">Page 144</p> <p>1 didn't know him before I got there, but I got -- I</p> <p>2 was...</p> <p>3 Q. Take your time.</p> <p>4 A. I was very disappointed when all of this</p> <p>5 happened because I did consider him a friend and I</p> <p>6 believed him. I stuck up for him when people</p> <p>7 would make comment. I was his champion. And I</p> <p>8 feel like -- I feel like, look, I shouldn't</p> <p>9 discuss religion, but I tried to be a very good</p> <p>10 Christina. And I loved -- I believe in looking at</p> <p>11 the best in people.</p> <p>12 For months after I left the county,</p> <p>13 because I tried -- I felt I wasn't even capable of</p> <p>14 doing my job because by trying to believe the best</p> <p>15 in people, I missed the red flags that I should</p> <p>16 have seen and that wasn't fair to Jane Doe 1 or</p> <p>17 anyone else.</p> <p>18 So I struggled with that. I really -- I</p> <p>19 defended him in so many ways and I just felt</p> <p>20 deceived. I felt foolish. I felt stupid. I felt</p> <p>21 let down. Sorry. Can I have another tissue?</p> <p>22 Q. You okay? Do you need a minute?</p> <p>23 A. Yeah. I just -- just really</p> <p>24 disappointed.</p> |
| <p style="text-align: right;">Page 143</p> <p>1 George who was my champion, along with Darlene</p> <p>2 Robins.</p> <p>3 It didn't hurt that I went to high</p> <p>4 school with Gary Hess -- with Gary Hess's wife, so</p> <p>5 he clearly was a yes vote for me. I had</p> <p>6 interacted with him through a local business</p> <p>7 association for the previous year that I worked</p> <p>8 there, so he knew me. He knew my credentials. So</p> <p>9 I can tell you typically if there's somebody they</p> <p>10 have in mind, that person would usually get the</p> <p>11 job, yes.</p> <p>12 Q. You indicated that when Defendant Bender</p> <p>13 told you to just take your request to the other</p> <p>14 two commissioners, you didn't think it would be</p> <p>15 smart to do so?</p> <p>16 A. I didn't want to be on the bad side of</p> <p>17 George and have him not speak to me for a year.</p> <p>18 Q. What did you think would happen to you</p> <p>19 if you were on Defendants Halcovage's bad side?</p> <p>20 A. I don't know. I don't know that I -- I</p> <p>21 don't know that I ever -- I was going to say I</p> <p>22 don't know that I ever got on his bad side, but</p> <p>23 maybe now I am. I don't know. Look, I also</p> <p>24 considered him a friend. He was a friend. I</p>                          | <p style="text-align: right;">Page 145</p> <p>1 Q. You said that --</p> <p>2 A. Sorry.</p> <p>3 Q. No, you're okay. Do you want a minute?</p> <p>4 A. No. No. No. Come on. It's already</p> <p>5 12:30 and we're still on the first attorney.</p> <p>6 Q. We're going to try not to overlap our</p> <p>7 questions. A lot of what I will cover --</p> <p>8 A. Okay.</p> <p>9 Q. -- hopefully will -- I know there's a</p> <p>10 lot of us. I apologize.</p> <p>11 A. It's all right.</p> <p>12 Q. You said that you saw some red flags?</p> <p>13 A. No, I said I didn't see the red flags.</p> <p>14 Q. Okay.</p> <p>15 A. Because I just looked for the best in</p> <p>16 people. You know, people would say, I have this</p> <p>17 friend who I met through this business association</p> <p>18 in the town that I live in. At one point we were</p> <p>19 out in the evening and, you know, the person said</p> <p>20 to me, you know, what's this guy really like. I</p> <p>21 said, look -- my response was, you know, I truly</p> <p>22 believe -- people say things, I said I haven't had</p> <p>23 that experience. I truly believe he really wants</p> <p>24 what's best for the county. He really is a good</p>                         |

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| <p>1 guy. He really had a good heart.</p> <p>2 Q. What types of things were you hearing</p> <p>3 that you felt you needed to defend Defendant</p> <p>4 Halcovage?</p> <p>5 A. You know, there were the comments about</p> <p>6 women, of course. There were -- that he was</p> <p>7 slimy, that he was creepy. You know, just</p> <p>8 general -- and I defended him. I disputed it</p> <p>9 regularly.</p> <p>10 Q. You said that you didn't see red flags,</p> <p>11 which to me indicates that you're now looking back</p> <p>12 and realizing that there were things that you</p> <p>13 should have -- that were red flags. Can you --</p> <p>14 A. You know, what I really think is my job</p> <p>15 before HR. I should have known more than the</p> <p>16 average person. When I should have seen -- you</p> <p>17 know, you were there when we did Jane Doe 1</p> <p>18 interview. And at one point, one of my last</p> <p>19 questions was, I turned to Jane Doe 1 and asked</p> <p>20 her why she didn't come to me. After I left, one</p> <p>21 of the things I thought was, why didn't I see it.</p> <p>22 Why didn't I see that something was there. I was</p> <p>23 trained at some point in life to see that, in my</p> <p>24 life to see that.</p>                                           | <p>Page 146</p> | <p>1 state is irrelevant, I guess.</p> <p>2 Q. Do you know what, if anything, anyone --</p> <p>3 any predecessor of yours in the HR department</p> <p>4 knew?</p> <p>5 A. I don't. Well, I do know that somehow</p> <p>6 the person before me was some distant -- some</p> <p>7 relative of Jane Doe 1. And why she didn't know</p> <p>8 is -- I guess makes me feel a little bit better</p> <p>9 about myself.</p> <p>10 Q. Did you come to know what Defendant</p> <p>11 Bender and/or Defendant Roth knew about what was</p> <p>12 going on at any point?</p> <p>13 A. Honestly, I can tell you I had</p> <p>14 conversations -- there were times I would be in my</p> <p>15 4:00 meeting with Gary Bender, George would come</p> <p>16 in, the three of us would sit there and talk.</p> <p>17 George would make some sort of joke. He'd be</p> <p>18 sitting there and I'd just hit him and tell him to</p> <p>19 knock it off. And after he left, Gary Bender</p> <p>20 would make the statement, you know, if a woman</p> <p>21 ever really approached him, he would run so fast</p> <p>22 in the opposite direction. I guess that's part of</p> <p>23 why I -- I believed that. I believed that he was</p> <p>24 a loyal, faithful man, husband. So I believe that</p>                                                                                           |
| <p>1 Q. Understood.</p> <p>2 Is there anything now as you sit here</p> <p>3 today that you think -- that you observed that you</p> <p>4 think was an indicator that Defendant Halcovage</p> <p>5 could engage in such behavior?</p> <p>6 A. Say that again.</p> <p>7 Q. Is there anything that you observed that</p> <p>8 you believe is an indicator that Defendant</p> <p>9 Halcovage could engage in any such behavior,</p> <p>10 sexual harassing behavior?</p> <p>11 A. I guess the only thing I could think to</p> <p>12 say was -- I mean, obviously you all have the</p> <p>13 notes. You have the second interview that I did</p> <p>14 with George. There were conversations that he had</p> <p>15 with me that would end, that would go to a sexual</p> <p>16 nature. I mean, heck, I even sat there and</p> <p>17 discussed if I was dating somebody. I would say,</p> <p>18 oh, well, I went on a date with so and so. We</p> <p>19 were friends. Should I have thought that if he is</p> <p>20 having those types of conversations with me, is he</p> <p>21 having those with other people. Is he having -- I</p> <p>22 guess I should have, but I didn't. That's my</p> <p>23 failure and I live with that. And the fact that</p> <p>24 this started years before I even got to this damn</p> | <p>Page 147</p> | <p>1 Gary Bender also felt the same way I did. I</p> <p>2 believe he believed it.</p> <p>3 I can tell you one conversation that I</p> <p>4 remember with Solicitor Roth that happened just</p> <p>5 days -- it had to be just a few days before this</p> <p>6 whole thing, before we got the e-mail and we</p> <p>7 learned about all of this. We had come out of</p> <p>8 Gary Bender's office. There's a hall -- came out</p> <p>9 of the commissioner's office, there's a hallway.</p> <p>10 You turn to the right and you go into the</p> <p>11 solicitor's office, you go a few more steps and</p> <p>12 turn to the left and you go into HR.</p> <p>13 We were standing there and it was late</p> <p>14 because the cleaning people were out and the</p> <p>15 building was empty. And he made the statement, he</p> <p>16 asked if -- I can't even remember how he asked it,</p> <p>17 but he asked basically if I thought -- basically</p> <p>18 implied that there was some -- he was starting to</p> <p>19 hear something where he thought maybe there was</p> <p>20 some kind of behavior going on with George of a</p> <p>21 sexual nature with someone. And I remember my</p> <p>22 response to him saying, I hope that is not the</p> <p>23 case because if that is true, my impression, my</p> <p>24 perspective of him would drop drastically. But I</p> |

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| <p style="text-align: right;">Page 150</p> <p>1 got the impression that he was just hearing that</p> <p>2 for the first time as well within two days, three</p> <p>3 days of this breaking. So he I believe he did not</p> <p>4 know either, to tell you the truth, because he</p> <p>5 seemed just as disheartened about it as I said I</p> <p>6 would be had it been true.</p> <p>7 Q. In the last paragraph on that page with</p> <p>8 the Jane Doe 4 discussion bolded, it starts on</p> <p>9 May 28th?</p> <p>10 A. Yes.</p> <p>11 Q. And it discusses an e-mail you received.</p> <p>12 If we turn to the next page, the paragraph</p> <p>13 continues and the last sentence of this paragraph</p> <p>14 says e-mail is attached.</p> <p>15 A. Oh, and it's not attached.</p> <p>16 Q. This report was produced by Commissioner</p> <p>17 Hess. It was not produced by the county, if I'm</p> <p>18 correct.</p> <p>19 Do you know what that e-mail included in</p> <p>20 that file, in that cabinet drawer?</p> <p>21 A. I -- probably not. Sorry.</p> <p>22 Q. But if it says attached, do you know --</p> <p>23 I mean, because this isn't what you produced.</p> <p>24 This was produced by Commissioner Hess. Are you</p>    | <p style="text-align: right;">Page 152</p> <p>1 I completely forgot about this one line that was</p> <p>2 in the midst of all of those documents. Sorry.</p> <p>3 Q. No, it's okay. Understood.</p> <p>4 But the e-mail that you were referencing</p> <p>5 is an e-mail from Jane Doe 4 to you?</p> <p>6 A. Yes.</p> <p>7 Q. And so it's still arguably --</p> <p>8 A. Should be in my e-mail, which should not</p> <p>9 have been touched, yes.</p> <p>10 Q. Thank you.</p> <p>11 A. Yes.</p> <p>12 Q. If we flip back, it talks on May 28th.</p> <p>13 That's when you received the e-mail and then flip</p> <p>14 back to the next page, it says after receiving the</p> <p>15 e-mail, I spoke with Jane Doe 4 at approximately</p> <p>16 noon the same day. I told her that we would</p> <p>17 request that George not interact or speak with</p> <p>18 Jane Doe 4, Jane Doe 3, or anyone in their</p> <p>19 offices.</p> <p>20 Do you see that?</p> <p>21 A. I see that sentence.</p> <p>22 Is that what you're asking me?</p> <p>23 Q. Yes.</p> <p>24 A. Yes.</p>            |
| <p style="text-align: right;">Page 151</p> <p>1 sure that it wasn't attached to your copy of this?</p> <p>2 A. I don't think -- honestly, I don't know</p> <p>3 that it was. And I'm only saying that because</p> <p>4 this report, this was all typed up along with the</p> <p>5 final report, along with the letter that Jane Doe</p> <p>6 1 wrote.</p> <p>7 Q. Okay.</p> <p>8 A. And -- and I provided -- we had a</p> <p>9 meeting, it was one of those -- we were in the</p> <p>10 legal office, it was Gary Bender, Commissioner</p> <p>11 Hess, Commissioner Hetherington, Solicitor Roth,</p> <p>12 I'm not sure whether Solicitor -- Solicitor Hobbs</p> <p>13 might have been there. And I provided them the</p> <p>14 final report, these notes, the interview notes, I</p> <p>15 believe, and I believe Jane Doe 1 letter was in</p> <p>16 that as well. Those were the documents I</p> <p>17 provided. I didn't stop to -- I don't believe I</p> <p>18 stopped to attach that e-mail.</p> <p>19 Q. Okay.</p> <p>20 A. This was written weeks. Like, it was a</p> <p>21 process.</p> <p>22 Q. Understood.</p> <p>23 A. I'm guessing -- honestly I truly --</p> <p>24 because I'm guessing by the time I got to the end,</p> | <p style="text-align: right;">Page 153</p> <p>1 Q. Did you have a conversation with</p> <p>2 Defendant Halcovage about interaction with people</p> <p>3 in the tax assessment or tax claims offices?</p> <p>4 A. No. I am sure it was with Gary Bender</p> <p>5 and Gary Bender would have spoken with Mr.</p> <p>6 Halcovage.</p> <p>7 Q. So you weren't privy to the</p> <p>8 conversations?</p> <p>9 A. No.</p> <p>10 Q. So you don't know --</p> <p>11 A. Not always, no. No.</p> <p>12 Q. So were you ever privy to any -- were</p> <p>13 you ever present for any conversation with</p> <p>14 Defendant Halcovage about his interaction --</p> <p>15 A. About this, no.</p> <p>16 Q. Okay.</p> <p>17 Do you know why -- so you get this</p> <p>18 e-mail from Jane Doe 4 about her safety concerns</p> <p>19 and the parking. And you go to Defendant Bender</p> <p>20 and speak to him about it?</p> <p>21 A. Yes.</p> <p>22 Q. Was it Bender's suggestion, your</p> <p>23 suggestion, or something different that Bender be</p> <p>24 the one to spoke with Halcovage?</p> |

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| <p>Page 154</p> <p>1 A. I'm sure he just said I'll speak with<br/>2 George because that was a standard. That happened<br/>3 a lot.<br/>4 Q. Do you know if Bender actually ever<br/>5 spoke with Defendant Halcovage?<br/>6 A. I would assume so, but I can't -- I<br/>7 would have assumed he would have.<br/>8 Q. But other than him telling you that he<br/>9 had, you never saw it, correct?<br/>10 A. Not on this particular topic, no.<br/>11 Q. So then we're still on Friday May 22nd.<br/>12 You then speak with Jane Doe 2, correct?<br/>13 A. Yes.<br/>14 Q. I think you walked us through that first<br/>15 paragraph about the fact that you made sure she<br/>16 didn't have an attorney and representation. I<br/>17 appreciate that. We were not yet involved.<br/>18 And then she tells you in Paragraph 2,<br/>19 according to this, she tells you that Defendant<br/>20 Halcovage showed up to her house and spoke with<br/>21 her mom and dad on May 21, 2020?<br/>22 A. Yes.<br/>23 Q. Did Jane Doe 2 tell you that?<br/>24 A. Yes. She said it in the meeting. I</p>                                        | <p>Page 156</p> <p>1 Q. I understand.<br/>2 A. Sorry.<br/>3 Q. No, you're okay.<br/>4 A. I am trying to be as direct and honest.<br/>5 Q. We appreciate that. That's all we can<br/>6 ask for. And if you don't recall something or<br/>7 don't remember --<br/>8 A. I believe it. But can I sit here and<br/>9 tell you the conversation and how it went, I<br/>10 can't, so...<br/>11 Q. Okay.<br/>12 We can turn to the next page. So<br/>13 this -- so the page that starts with the bolded<br/>14 section, meeting with Jane Doe 2, Gary Bender.<br/>15 A. Yes.<br/>16 Q. This indicates that that same day,<br/>17 Friday, May 22nd, Jane Doe 2 actually came to the<br/>18 office and that meeting was held in the Hoffmann<br/>19 room?<br/>20 A. Yes.<br/>21 Q. When you were speaking with Jane Doe 2<br/>22 and she relayed this information to you, at any<br/>23 point did you question the veracity or<br/>24 truthfulness of what she was telling you?</p>                                                     |
| <p>Page 155</p> <p>1 mean, we were all there, yes.<br/>2 Q. At that point, was it your understanding<br/>3 that Defendant Halcovage knew that he was the<br/>4 subject of a sexual harassment claim?<br/>5 A. Yes, because he had received -- I had<br/>6 learned from Gary Bender on Glenn Roth that he had<br/>7 received -- I didn't realize he got a copy of the<br/>8 same letter that was sent to me.<br/>9 Q. Okay.<br/>10 A. And in that letter, it stated. So, yes,<br/>11 he was aware.<br/>12 Q. Did the fact that Defendant Halcovage,<br/>13 after being notified that he was the subject of a<br/>14 sexual harassment claim, that he had showed up to<br/>15 Jane Doe 2's house, did that concern you?<br/>16 A. Yes.<br/>17 Q. Did you raise your concerns with<br/>18 Defendant Bender?<br/>19 A. I'm sure we discussed it, yes.<br/>20 Q. Do you remember what his response was?<br/>21 A. I think he probably -- I say I think. I<br/>22 don't want to -- I think he had shared a concern,<br/>23 but, again, you would have to ask him that, but<br/>24 that's my belief. It's been two and a half years.</p> | <p>Page 157</p> <p>1 A. No. She was -- no. She was, I want to<br/>2 say at times -- I hesitate to use the word<br/>3 hysterical, but she was very emotional. She was<br/>4 scared. She was afraid of what could happen to<br/>5 her. She was afraid harm would be done to her.<br/>6 Q. Physical harm or something else?<br/>7 A. She expressed that, yes.<br/>8 Q. Did she think economic or job security<br/>9 --<br/>10 A. Yes, that too.<br/>11 Q. Harm to those would come?<br/>12 A. Yes.<br/>13 Q. Same questions for Jane Doe 3 and Jane<br/>14 Doe 4, at any point when you spoke with them for<br/>15 the times we went through for this report, did you<br/>16 have any reason to question the truthfulness of<br/>17 what they were telling you?<br/>18 A. No.<br/>19 Q. If we turn to the next page, there is<br/>20 a -- the second paragraph. Well, it's the first<br/>21 full paragraph.<br/>22 A. Okay.<br/>23 Q. There's an allegation about rumors<br/>24 regarding George and Jane Doe 1 in the clock</p> |



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| <p>1 tower.</p> <p>2 Do you see that?</p> <p>3 A. Yes.</p> <p>4 Q. Did you ever hear rumors of Defendant</p> <p>5 Halcovage taking females or Jane Doe 1 to the</p> <p>6 clock tower alone?</p> <p>7 A. Yes, I have heard rumors.</p> <p>8 Q. When did you first hear those rumors?</p> <p>9 A. I was still working at the courthouse.</p> <p>10 I can't tell you a month, a day.</p> <p>11 Q. Was it more than once that you heard a</p> <p>12 rumor --</p> <p>13 A. Yes.</p> <p>14 Q. -- such as that?</p> <p>15 A. And I can tell you since being there,</p> <p>16 there is a restaurant where one of -- an employee</p> <p>17 from the courthouse worked, a maintenance employee</p> <p>18 and I had been for dinner there. I can tell you</p> <p>19 even as recently as in the past year, this --</p> <p>20 maybe year and a half. This person made comments</p> <p>21 about this suit because people know what's going</p> <p>22 on. And made the statement that, you know, there</p> <p>23 were numerous women that were up in that clock</p> <p>24 tower.</p>                                                                                                                                                                                | <p>Page 158</p> | <p>1 Q. In the last paragraph on this page it</p> <p>2 indicates that Jane Doe 2 said that Halcovage told</p> <p>3 her and Frank Staudenmeier, advised against hiring</p> <p>4 Jane Doe 2 back at the courthouse, stating that</p> <p>5 she was a risk and a ticking time bomb.</p> <p>6 Did George ever tell you something</p> <p>7 similar about Jane Doe 2 or -- about Jane Doe 2?</p> <p>8 A. No. No. I can tell you there was a</p> <p>9 time she was in -- she was in the -- looking in</p> <p>10 the treasurer's office when I first met Jane Doe</p> <p>11 2. She was having problems with the treasurer,</p> <p>12 Marchalk.</p> <p>13 At some point I was in my office, got a</p> <p>14 phone call from George, said could you please come</p> <p>15 over here. I went over. No warning. I go in,</p> <p>16 Jane Doe 2 was there in his office, she was</p> <p>17 crying, hysterical, having problems with the</p> <p>18 treasurer, felt she was being picked on. And he</p> <p>19 asked me to talk with her, look at her skill sets</p> <p>20 and see if there was a position somewhere else in</p> <p>21 the courthouse that she would be able to move to</p> <p>22 get away from -- she felt she was being picked on</p> <p>23 by the treasurer, I believe.</p> <p>24 Q. Did you ever have any conversations with</p> | <p>Page 160</p> |
| <p>1 Q. Did you ever have a conversation with</p> <p>2 Defendant Bender or Defendant Roth about these</p> <p>3 rumors?</p> <p>4 A. I don't think so. I don't think so.</p> <p>5 Q. Did you ever have a conversation with</p> <p>6 Defendant Bender or Defendant Roth about rumors</p> <p>7 that Defendant Halcovage was sleeping with Jane</p> <p>8 Doe 1?</p> <p>9 A. I don't think so. I don't think so.</p> <p>10 Well, there was a conversation that was discussed</p> <p>11 and I was under the impression that Jane Doe 1 and</p> <p>12 Jane Doe 2 were friends with George. I mean, I</p> <p>13 get that. They were friends. I didn't -- I</p> <p>14 didn't think that there was a sexual relationship</p> <p>15 going on. You know, Jane Doe 1 was his campaign</p> <p>16 manager in, I guess, the 2019 election, I think it</p> <p>17 was.</p> <p>18 But, again, you know, Gary Bender and I</p> <p>19 had had conversations and he said -- and I</p> <p>20 believed him. He said, you know, if anyone ever</p> <p>21 really made an advance on George, he would run in</p> <p>22 the opposite direction. I believed that, so, no,</p> <p>23 I didn't -- I didn't think -- no. Had I thought</p> <p>24 it, I would have said something.</p> | <p>Page 159</p> | <p>1 Commissioner Staudenmeier about Jane Doe 2?</p> <p>2 A. No.</p> <p>3 Q. If we go to the next page, this is the</p> <p>4 one with some handwritten notes on it.</p> <p>5 Can you tell me, the one on the right</p> <p>6 with the circle, what does that say? Is that your</p> <p>7 handwriting, first?</p> <p>8 A. No.</p> <p>9 Q. So --</p> <p>10 A. Against the law. Jane Doe 2 made</p> <p>11 acquisitions that George records conversations on</p> <p>12 his iPad and takes -- no, it's not my handwriting.</p> <p>13 Q. Have you ever seen a copy of your report</p> <p>14 with handwriting on it?</p> <p>15 A. No.</p> <p>16 Q. Are you familiar with what Commissioner</p> <p>17 Hess's handwriting looks like? We can ask him.</p> <p>18 If you're not, it's okay, because he produced it,</p> <p>19 I didn't know if maybe you knew if this was his</p> <p>20 handwriting.</p> <p>21 A. I think it looks like Glenn's</p> <p>22 handwriting. I could be wrong.</p> <p>23 Q. Just so everyone can hear you.</p> <p>24 A. I thought it looked like Solicitor</p>                                                                                                                                                                                                                                                        | <p>Page 161</p> |



| Page 162                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                         | Page 164                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                        |
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| <p>1 Roth's handwriting.</p> <p>2 Q. Okay.</p> <p>3 A. I don't know that -- it's not that I</p> <p>4 haven't seen Commissioner Hess's handwriting, I</p> <p>5 just don't know.</p> <p>6 Q. Totally fine.</p> <p>7 When Jane Doe 2 made this allegation to</p> <p>8 you about Defendant Halcovage recording</p> <p>9 conversations on his iPad without consent of the</p> <p>10 individuals being recorded, had you --</p> <p>11 MS. SMITH: Actually, can I see the</p> <p>12 one, it's the black part sticking out there.</p> <p>13 BY MS. SMITH:</p> <p>14 Q. Exhibit 55, from yesterday had you seen</p> <p>15 this letter from my office?</p> <p>16 A. What was the --</p> <p>17 Q. Had you seen this letter from my office</p> <p>18 yet?</p> <p>19 A. Before what?</p> <p>20 Q. Before speaking with Jane Doe 2?</p> <p>21 A. No, because we spoke with Jane Doe 2 on</p> <p>22 the 22nd and this is dated the 29th, so I couldn't</p> <p>23 have.</p> <p>24 Q. Well, this is the one from my office to</p> | <p>1 Defendant Roth regarding it?</p> <p>2 A. I mean, he and Gary Bender and I spoke</p> <p>3 about it. I sent -- I know I sent a copy to Gary</p> <p>4 Bender. I don't remember whether I included --</p> <p>5 but I -- I was going to say I'm sure he was given</p> <p>6 a copy by Mr. Bender, but I can't verify. I can't</p> <p>7 attest that I saw that.</p> <p>8 Q. Did you or do you know if anyone on</p> <p>9 behalf of the county ever took possession of the</p> <p>10 devices the county issued to George Halcovage</p> <p>11 after Jane Doe 1 allegations?</p> <p>12 A. Not to my knowledge. I know that he had</p> <p>13 numerous devices, iPads, whatever, laptops, like</p> <p>14 four or five or something. I don't know that even</p> <p>15 by the time I left anybody had taken those -- had</p> <p>16 been in possession of those, exempt for</p> <p>17 Commissioner Halcovage.</p> <p>18 Q. Do you know why no one on behalf of the</p> <p>19 county took possession of his items, electronic</p> <p>20 devices issued by the county?</p> <p>21 A. No, I don't.</p> <p>22 Q. Did you ever have any conversations with</p> <p>23 anybody about the fact that that should be done?</p> <p>24 A. We had conversations about the fact -- I</p> |
| Page 163                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                         | Page 165                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                        |
| <p>1 Glenn Roth on behalf of the county, not from Jane</p> <p>2 Doe 1 on the -- because the 20th you said you got</p> <p>3 a letter.</p> <p>4 So I guess my question is: On the 22nd</p> <p>5 when you got the information from Jane Doe 3 and</p> <p>6 you were talking about a letter that my office had</p> <p>7 prepared.</p> <p>8 A. Right.</p> <p>9 Q. Was this that letter?</p> <p>10 A. No. This is the one on Jane Doe 3,</p> <p>11 which came a week later.</p> <p>12 Q. I'm sorry.</p> <p>13 Are the contents the same? If you flip</p> <p>14 through, is that --</p> <p>15 A. Oh, the same type of letter?</p> <p>16 Q. Yes.</p> <p>17 A. I mean, yes. It had all this stuff in</p> <p>18 it about preserving --</p> <p>19 Q. Okay.</p> <p>20 A. -- electronic data and imaging. Yes, it</p> <p>21 had all of that.</p> <p>22 Q. And given the language in that letter --</p> <p>23 I can that one back from you -- did you -- given</p> <p>24 that it's highly illegal, did you speak with</p>      | <p>1 know that IT was notified as far as no devices.</p> <p>2 Like you couldn't delete anything from the devices</p> <p>3 and things like that, those conversations I know</p> <p>4 happened.</p> <p>5 Q. Between whom?</p> <p>6 A. I know that Gary Bender told me he had</p> <p>7 contacted the director of IT, letting him know</p> <p>8 that we had letters that information on these</p> <p>9 particular devices, whether it was not just if</p> <p>10 they were issued to George, if they were issued</p> <p>11 to, I believe, Gary Bender, myself, and I believe</p> <p>12 Solicitor Roth.</p> <p>13 Q. Do you know, did Defendant Bender ever</p> <p>14 say to Defendant Halcovage, don't delete anything</p> <p>15 on the devices you have?</p> <p>16 A. I'm assuming he did, but he got the same</p> <p>17 letter we did, so he already knew.</p> <p>18 Q. But you don't -- you never --</p> <p>19 A. I was never part of that conversation,</p> <p>20 no. It doesn't -- I don't know whether it did or</p> <p>21 didn't happen.</p> <p>22 Q. At any point during your employment with</p> <p>23 Schuylkill County, were there discussions about</p> <p>24 referring Defendant Halcovage to any criminal</p>                                          |

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| <p>1 agency?</p> <p>2 A. Once I completed the final report, I was</p> <p>3 instructed to give it to the district attorney, to</p> <p>4 give him the investigation notes, as well as</p> <p>5 interview notes. The final report and the letter</p> <p>6 that Jane Doe 1 wrote, to provide that to the</p> <p>7 district attorney to see if there was anything</p> <p>8 criminal that had been done.</p> <p>9 I know that after reviewing it, the</p> <p>10 district attorney turned it over to the attorney</p> <p>11 general's office.</p> <p>12 Q. Other than the district attorney and the</p> <p>13 referral to the attorney general's office, was</p> <p>14 there any -- to your knowledge, any referral to</p> <p>15 any other outside-the-county agency?</p> <p>16 A. I don't think so.</p> <p>17 Q. Do you know how the house of</p> <p>18 representatives became involved?</p> <p>19 A. Oh, I think there was -- I think the</p> <p>20 representatives from Schuylkill County made --</p> <p>21 wrote a resolution and it was sent -- I don't know</p> <p>22 the whole process in the state house, but I'm</p> <p>23 learning more about it. From there they became</p> <p>24 involved is my understanding.</p> | <p>Page 166</p> <p>1 know, the elected officials in the courthouse</p> <p>2 wrote a letter suggesting that he resign. The</p> <p>3 represent -- different people, Republicans in the</p> <p>4 county, I know had urged him -- or I am told --</p> <p>5 had urged him to resign.</p> <p>6 Q. To your knowledge, did Defendant Bender</p> <p>7 refer Defendant Halcovage for impeachment?</p> <p>8 A. Not to my knowledge.</p> <p>9 Q. Did Defendant Roth, to your knowledge,</p> <p>10 refer Defendant Halcovage for impeachment?</p> <p>11 A. Not to my knowledge.</p> <p>12 Q. If we look down at the bottom of this</p> <p>13 page, there's -- it looks like more bolded type.</p> <p>14 Do you see that?</p> <p>15 A. Yup.</p> <p>16 Q. It says third line down at the end, it</p> <p>17 starts with: Attorney Rothman notified Casey</p> <p>18 Trek(ph), claim manager with Pennsylvania county's</p> <p>19 municipal court or PCoRP. PCoRP is the county's</p> <p>20 insurance correct, correct?</p> <p>21 A. I believe so.</p> <p>22 Q. Do you have any knowledge of what role</p> <p>23 Defendant Halcovage plays with PCoRP? If he's on</p> <p>24 a board or has any connection?</p> |
| <p>Page 167</p> <p>1 Q. So do you have any knowledge of anyone</p> <p>2 from the county during your employment, I guess or</p> <p>3 thereafter, of referring this matter to the house,</p> <p>4 the senate, or anyone for impeachment purposes?</p> <p>5 A. When you say referring this matter, I</p> <p>6 don't understand.</p> <p>7 Q. Like picking up the phone and calling</p> <p>8 them and saying, hey, we need to get this guy</p> <p>9 removed, we can't fire him?</p> <p>10 A. I mean, there was something that --</p> <p>11 there was some sort of -- oh, God. Something that</p> <p>12 comes on an app that -- like somebody did a</p> <p>13 petition on an app, I know that went around.</p> <p>14 People were signing that. I know --</p> <p>15 Q. Who was signing -- who signed that, if</p> <p>16 you recall?</p> <p>17 A. Well, it was sent to me, if I wanted to</p> <p>18 sign it. I don't know who. Supposedly they</p> <p>19 collected 500 or a thousand signatures, something.</p> <p>20 I don't know.</p> <p>21 Q. This wasn't an official petition of the</p> <p>22 county?</p> <p>23 A. No. No. No. I mean, I know there</p> <p>24 were -- I know what I read in the paper. You</p>             | <p>Page 169</p> <p>1 A. I don't know. I mean, two and a half</p> <p>2 years ago I might have. I don't know if he -- I</p> <p>3 don't know. Sorry.</p> <p>4 Q. You're fine.</p> <p>5 It Indicates -- in the next paragraph,</p> <p>6 I'm sorry. It indicates: Glenn and I were</p> <p>7 advised by counsel to speak with the other two</p> <p>8 commissioners to determine if they had any</p> <p>9 knowledge of any concerns and/or complaints of</p> <p>10 inappropriate behavior. Who is the counsel, is it</p> <p>11 an attorney for PCoRP or was it at that point</p> <p>12 somebody who had been assigned to you?</p> <p>13 A. It was -- what was his name?</p> <p>14 Christopher Scott, I believe was the guy.</p> <p>15 Q. And it was at his suggestion or advice</p> <p>16 --</p> <p>17 A. Yeah. I believe that's -- yes.</p> <p>18 Q. It was his suggestion and/or advice that</p> <p>19 you spoke with Commissioner Hess and Commissioner</p> <p>20 Hetherington?</p> <p>21 A. Yes.</p> <p>22 Q. So the next page we have, there is you</p> <p>23 speaking with Commissioner Hess, correct?</p> <p>24 A. Yes.</p>                                                                  |

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| <p>Page 170</p> <p>1 Q. So I guess my question is: Did you<br/>2 speak with Mr. Hetherington?<br/>3 A. No, because he had only literally -- in<br/>4 some ways I feel bad for him. The poor guy, I<br/>5 mean, Commissioner Staudenmeier passed away very<br/>6 late February, early March, and so commissioner<br/>7 Hetherington had only been there a month. By that<br/>8 time, you know, Jane Doe 1 was always working from<br/>9 home or furloughed or whatever it was. There was<br/>10 no reason to talk to him. He had no clue.<br/>11 Q. Okay.<br/>12 A. Sorry. If Staudenmeier had been there,<br/>13 it would have been a whole different story, but,<br/>14 you know, God bless him.<br/>15 Q. Understood.<br/>16 A. And I spoke with everybody in the<br/>17 commissioner's office.<br/>18 Q. So those are some of these people that<br/>19 are listed?<br/>20 A. Uh-huh.<br/>21 Q. We'll go through them.<br/>22 At any point did Commissioner Hess<br/>23 indicate to you that he had had concerns about<br/>24 George's behavior?</p>                                                                                                        | <p>Page 172</p> <p>1 have the door closed if she was uncomfortable, I<br/>2 think is how he put it. That's really all he ever<br/>3 said.<br/>4 Q. The next meeting you have is with Mary<br/>5 Beth Heffner. Who is Ms. Heffner?<br/>6 A. She was the receptionist in the<br/>7 commissioner's office. She started after I did.<br/>8 Q. She indicated that she was aware, as of<br/>9 June 12, 2020, that Jane Doe 1 had retained an<br/>10 attorney regarding claims of sexual harassment, a<br/>11 hostile work environment against George; is that<br/>12 right?<br/>13 A. Yes.<br/>14 Q. Did she tell you who told her that?<br/>15 A. Yes. Actually, no. Yes and no.<br/>16 Gary Bender told me that he had<br/>17 informed -- because it was going to obviously take<br/>18 up a lot of our time, he had informed his staff,<br/>19 of which Mary Beth, Wendy, I can see her, but I<br/>20 can't think of her name. Who is the next one?<br/>21 The clerk of courts, oh dear Lord.<br/>22 Q. Linda Dietrich?<br/>23 A. Linda Dietrich, yes. And once he told<br/>24 me that, I mean, HR was down to two people, myself</p>                                                                                           |
| <p>Page 171</p> <p>1 A. Yes. He had -- and I am trying to -- I<br/>2 wanted to read to see if it jogs my memory.<br/>3 Q. Sure. Take your time.<br/>4 A. When we talked to him, he had made<br/>5 this -- well, it's like you said, he -- he knew<br/>6 that she was in his office regularly.<br/>7 Q. Stop you there for a second.<br/>8 She meaning Jane Doe 1?<br/>9 A. Yes.<br/>10 Q. Was in whose office?<br/>11 A. George's office.<br/>12 Q. Hess told you that Jane Doe 1 was<br/>13 routinely in George's office?<br/>14 A. When we interviewed him. And Glenn sat<br/>15 with me when -- when I interviewed Commissioner<br/>16 Hess. He had said that, yeah, he knew that George<br/>17 would come in, go to tax assessment. He spent --<br/>18 George spent a lot of time over in tax assessment.<br/>19 And he had -- and Commissioner Hess had seen Jane<br/>20 Doe 1 go into George's office, door was closed.<br/>21 He doesn't know what went on. He doesn't know<br/>22 what conversations happened. But he did state<br/>23 that at one point, he told her she didn't have to<br/>24 be in there -- she didn't have to go in there and</p> | <p>Page 173</p> <p>1 and the benefits administrator. And I also let<br/>2 her know that we had received a claim because<br/>3 suddenly my time -- I mean, it was just two of us<br/>4 and we were stretched to begin with. And it's<br/>5 like, look, I'm going to be busy, so guess what,<br/>6 you know, fill in as the operator, you are going<br/>7 to have to do more of that, I am not going to have<br/>8 time to do it because we took turns, every --<br/>9 Q. This was whom you were informing?<br/>10 A. The benefits administrator. It was the<br/>11 only other person in HR at that point in time<br/>12 because everyone else was furloughed.<br/>13 Q. Okay.<br/>14 A. I wanted her to know I was going to be<br/>15 out of the -- I was going to be spending a lot of<br/>16 time on an issue and I said it's strictly<br/>17 confidential, please don't discuss it with -- and<br/>18 I trusted her that she wouldn't.<br/>19 Q. Do you know, did Defendant Bender take<br/>20 the same precautions and inform Ms. Hefner that it<br/>21 was strictly confidential and she should not<br/>22 disclose it?<br/>23 A. I would assume so. I don't know.<br/>24 Q. When you spoke with your staff, did you</p> |

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| <p style="text-align: right;">Page 174</p> <p>1 disclose the parties involved and their names or</p> <p>2 just that there was a matter that you were working</p> <p>3 on?</p> <p>4 A. No. I -- I -- I simply said that we</p> <p>5 received a sexual harassment, hostile work</p> <p>6 environment claim against Commissioner Halcavage.</p> <p>7 Q. Do you think it was appropriate for</p> <p>8 Defendant Bender to inform Ms. Hefner that the</p> <p>9 sexual harassment, hostile work environment claims</p> <p>10 against Halcavage were brought by Jane Doe 1?</p> <p>11 A. No, it probably wasn't appropriate.</p> <p>12 Q. HR is supposed to keep names and parties</p> <p>13 confidential, correct?</p> <p>14 A. Yes.</p> <p>15 Q. In fact, I think you indicated earlier</p> <p>16 that this became very well known in the county,</p> <p>17 correct?</p> <p>18 A. Uh-huh.</p> <p>19 Q. Is that a yes?</p> <p>20 A. Sorry. Yes. Yes.</p> <p>21 Q. Do you believe that that could have been</p> <p>22 avoided if individuals would not have shared names</p> <p>23 with individuals who were not on the need-to-know</p> <p>24 basis?</p> | <p style="text-align: right;">Page 176</p> <p>1 Q. We were on -- going through Exhibit-71</p> <p>2 before we took lunch. I think we were on the</p> <p>3 Wendy's Slanta portion there. I don't know what</p> <p>4 page it's on, but --</p> <p>5 A. Sorry.</p> <p>6 Q. It's okay.</p> <p>7 I just want to direct your attention to</p> <p>8 the first sentence, I confirmed with Wendy that</p> <p>9 she was aware that Jane Doe 1 had retained an</p> <p>10 attorney about George Halcavage.</p> <p>11 Do you know who told Wendy about --</p> <p>12 A. She also works in the commissioner's</p> <p>13 office. It's my understanding that Gary Bender</p> <p>14 told his staff, so that would be Wendy, Mary Beth,</p> <p>15 and Linda.</p> <p>16 Q. Going down to the last paragraph on that</p> <p>17 page in the last few lines, she says -- you write,</p> <p>18 she used the example of Jane Doe 1 who had gotten</p> <p>19 a DUI. She stated that George had gotten her ARD</p> <p>20 and he also got her the job in tax assessment.</p> <p>21 She was getting divorced.</p> <p>22 Did Wendy indicate to you from whom she</p> <p>23 had heard this information?</p> <p>24 A. No. And I didn't ask. I just listened</p>                      |
| <p style="text-align: right;">Page 175</p> <p>1 MR. LETTRICH: Object to the form.</p> <p>2 But you can answer.</p> <p>3 THE WITNESS: I think it certainly</p> <p>4 could have kept knowledge of the individuals to a</p> <p>5 minimum, yes.</p> <p>6 BY MS. SMITH:</p> <p>7 Q. Ms. Hefner indicated that she was afraid</p> <p>8 of Gary Bender. Did she tell you why?</p> <p>9 A. Look, he could be gruff. He could be --</p> <p>10 his demeanor could be gruff. He could be</p> <p>11 downright angry, vindictive. I mean, A lot of</p> <p>12 people are afraid of him, not just Mary Beth.</p> <p>13 MS. SMITH: It's about 1:00. I</p> <p>14 don't know how everyone is doing. We're going to</p> <p>15 break for lunch. Are you okay with that?</p> <p>16 THE WITNESS: Yeah.</p> <p>17 ---</p> <p>18 (Whereupon luncheon recess was held off</p> <p>19 the record 1:01 p.m.)</p> <p>20 ---</p> <p>21 THE COURT REPORTER: Mr. Lees, will</p> <p>22 you need a copy of the transcript?</p> <p>23 MR. LEES: I will yes, please.</p> <p>24 BY MS. SMITH:</p>                                                                                       | <p style="text-align: right;">Page 177</p> <p>1 to what she had to say.</p> <p>2 Q. It goes on to talk about something that</p> <p>3 Wendy had learned about Jane Doe 2.</p> <p>4 Did she tell you where she got that</p> <p>5 information?</p> <p>6 A. No. I assume, based on the fact that it</p> <p>7 was something to do with the -- I assume it was</p> <p>8 working in the commissioner's office, but that's</p> <p>9 an assumption on my part.</p> <p>10 Q. If we go to the middle of the page, the</p> <p>11 next page, not the one with the bullet about</p> <p>12 Wendy, but the one you're on.</p> <p>13 MS. SMITH: For the record and for</p> <p>14 those individuals in the room, I am talking about</p> <p>15 the page where the first word is prison.</p> <p>16 BY MS. SMITH:</p> <p>17 Q. And then if we go fifth full paragraph</p> <p>18 down, Wendy said that Gary had complained about</p> <p>19 the, me too comments against George Halcavage.</p> <p>20 Do you know what me too comments against</p> <p>21 George Halcavage she was referring to?</p> <p>22 A. I believe what she was talking about,</p> <p>23 and this happened before I got there, so all I</p> <p>24 know is what hearsay, what I've been told. There</p> |



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| <p style="text-align: right;">Page 178</p> <p>1 was an incident with an individual who said she<br/> 2 felt threatened by George, it had something to do<br/> 3 with, they were both in an elevator. There was a<br/> 4 discussion going on. He stopped -- he stopped the<br/> 5 elevator the finish the conversation. She said<br/> 6 she felt threatened, I think is what it refers to.<br/> 7 Q. Okay.<br/> 8 The next sentence says, Wendy said that<br/> 9 those that have problems in life help on elections<br/> 10 and get ahead.<br/> 11 Do you know what she was referring to<br/> 12 with having problems in life?<br/> 13 A. No. I didn't ask specifically again.<br/> 14 Q. And then the last sentence it says, she<br/> 15 said she had a hard time with Christians treating<br/> 16 people the way they do.<br/> 17 Do you know, was she referring to anyone<br/> 18 in particular?<br/> 19 A. No. She didn't mention anyone in<br/> 20 particular. I mean, it was in the context of the<br/> 21 conversation, so I'm guessing maybe she was<br/> 22 referring to George. I don't know.<br/> 23 Q. If we go down a couple paragraphs,<br/> 24 Wendy' said had been called a liar. Then it goes</p> | <p style="text-align: right;">Page 180</p> <p>1 and Gary obviously is an exempt employee. So he<br/> 2 doesn't have to monitor his time, which is why I<br/> 3 didn't -- to me, it was like -- it's like, okay,<br/> 4 I'm not going to get into this with her, that<br/> 5 wasn't the point of the conversation, but I knew<br/> 6 that she was a nonexempt. I knew that he was<br/> 7 exempt, so to me, that wasn't really an issue to<br/> 8 address. It was -- I wasn't going to get into<br/> 9 explaining all that. I had too much to do at that<br/> 10 time. Sorry.<br/> 11 Q. No. I am just trying to understand.<br/> 12 The last sentence in that paragraph,<br/> 13 they had a point to make.<br/> 14 A. Okay.<br/> 15 Q. So if we look at that last sentence,<br/> 16 which refers to Dave Urkle and then we look at the<br/> 17 next -- the paragraph two down from there, which<br/> 18 says Wendy said she was so frustrated?<br/> 19 A. Uh-huh.<br/> 20 Q. Is that the time she went to Dave Urkle<br/> 21 that is referred to in that earlier sentence about<br/> 22 George telling her she had to learn her place?<br/> 23 A. Yes.<br/> 24 Q. Turning to the next page.</p>                                         |
| <p style="text-align: right;">Page 179</p> <p>1 on to talk about how if she had a problem, he is<br/> 2 the first one to say she better get over it.<br/> 3 The he is Gary Bender, correct?<br/> 4 A. Right. Yes.<br/> 5 Q. And then the next sentence is: Wendy<br/> 6 questioned why a man can do something, but a woman<br/> 7 can't.<br/> 8 Do you know, was Wendy talking about why<br/> 9 a man can do something but a woman can't,<br/> 10 generally or at the county?<br/> 11 A. Can you show me where it is in here so I<br/> 12 can read the context?<br/> 13 Q. Wendy questioned why.<br/> 14 A. I think she's referring -- where it<br/> 15 talked about -- the next sentence talks where she<br/> 16 had gone home sick, where she got docked for pay<br/> 17 even though -- when she left early, but others, in<br/> 18 particular guys, she felt could leave and not<br/> 19 suffer.<br/> 20 Q. So Wendy's kind of summary there that a<br/> 21 man can do something but a woman can't, meant at<br/> 22 individual employees of the county?<br/> 23 A. Right. With work time. But it should<br/> 24 also be noted that Wendy is a nonexempt employee</p>                                          | <p style="text-align: right;">Page 181</p> <p>1 The first full paragraph, Wendy stated<br/> 2 that George has had Mary Beth do things for his<br/> 3 insurance business. It also says she's also said<br/> 4 he says off-color things. She was uncomfortable.<br/> 5 The he is George Halcovage?<br/> 6 A. Yes.<br/> 7 Q. And do you know, did she tell you any<br/> 8 uncomfortable things that -- things that George<br/> 9 had said that she believed made her uncomfortable?<br/> 10 A. She didn't give specifics.<br/> 11 Q. The next sentence, but it's going down<br/> 12 to the second part of it on the next line, George<br/> 13 had her put something on her computer that she was<br/> 14 not comfortable with, some sort of video. She<br/> 15 objected and said he was the commissioner, they<br/> 16 won't do anything to him.<br/> 17 Did you get any more specifics about the<br/> 18 video that he showed her?<br/> 19 A. Not that I remember at this point, no.<br/> 20 Q. Did you know who she was referring to<br/> 21 regarding the, they won't do anything to him?<br/> 22 A. No. You can't -- one thing I learned in<br/> 23 the county, you can't discipline a commissioner,<br/> 24 no matter how it is.</p> |



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| <p>Page 182</p> <p>1 Q. Okay.</p> <p>2 A. Or an ed official, for that matter.</p> <p>3 Q. If we go down a couple paragraphs, the</p> <p>4 one that says when Wendy switched jobs. If you</p> <p>5 look to the second line, Wendy said that she had</p> <p>6 been demeaned. There said she never in her life</p> <p>7 been put down like she has been there.</p> <p>8 Is this referring to the -- she's</p> <p>9 never -- she said she's been demeaned there. Is</p> <p>10 that the commissioner's office?</p> <p>11 A. It was by Mark Scarbinsky. And Mark</p> <p>12 Scarbinsky was the court -- the county</p> <p>13 administrator prior to Gary Bender. She was</p> <p>14 referring to things that he had said to her.</p> <p>15 Q. The next paragraph, the singular</p> <p>16 sentence: Wendy said that Jane Doe 1, Jane Doe 2,</p> <p>17 and Jane Doe 3 used George Halcovege to get stuff</p> <p>18 from him.</p> <p>19 Did she provide you any specifics</p> <p>20 regarding that?</p> <p>21 A. No. I think she was implying</p> <p>22 advancements in jobs and increases in salaries.</p> <p>23 Q. If we look to the Linda Dietrich</p> <p>24 section, I think you already confirmed this, but</p> | <p>Page 184</p> <p>1 Q. Just so I am clear, the he being George?</p> <p>2 A. Yes.</p> <p>3 Q. Defendant Halcovege?</p> <p>4 A. Yes.</p> <p>5 Q. If we go to next page, Zoom meeting with</p> <p>6 Glenn Roth?</p> <p>7 A. Yes.</p> <p>8 Q. Did you decide to interview Glenn Roth</p> <p>9 or did he come to you and offer to speak with?</p> <p>10 You how did that transpire?</p> <p>11 A. I think I thought I should interview</p> <p>12 Glenn Roth because in talking with Jane Doe 3 and</p> <p>13 Jane Doe 4, they had indicated he was present for</p> <p>14 certain comments that had been said and he made</p> <p>15 comments, supposedly made comments to them, you</p> <p>16 know, about loyalty, so I needed to get his</p> <p>17 perspective.</p> <p>18 Q. At any point during your conversation</p> <p>19 with Glenn Roth, did you ask him, being that he</p> <p>20 had admitted to observing or learning certain</p> <p>21 things, why he never came to you?</p> <p>22 A. I don't recall, unless it's in here and</p> <p>23 you can point me to a paragraph. I don't -- I</p> <p>24 would think he would have felt that they could</p>                                       |
| <p>Page 183</p> <p>1 you believe that Bender had informed her about</p> <p>2 Jane Doe 1 being involved and George being the</p> <p>3 subject of the investigation? Is that a yes?</p> <p>4 A. Yes. Oh, sorry.</p> <p>5 Q. That's okay.</p> <p>6 There's a, some things were said</p> <p>7 sentence.</p> <p>8 A. Sometimes things were said that she</p> <p>9 thought he may not have known or well enough to</p> <p>10 know whether she would be offended or not, she was</p> <p>11 not offended --</p> <p>12 Q. Is that --</p> <p>13 A. That's what she had said.</p> <p>14 Q. Is that sentence that -- it talks about</p> <p>15 someone saying something that might have offended</p> <p>16 someone --</p> <p>17 A. Linda was saying that -- I asked if</p> <p>18 he -- if George had ever made comments that she</p> <p>19 found offensive. She said there had been comments</p> <p>20 made, she didn't feel her knew her well enough to</p> <p>21 know whether she'd be offended or not. She wasn't</p> <p>22 offended, but he didn't know. And she, you know,</p> <p>23 thought it probably shouldn't have been said,</p> <p>24 unless he knew whether or not she'd be offended.</p>                 | <p>Page 185</p> <p>1 come to me directly if they had enough of an</p> <p>2 issue.</p> <p>3 Q. As the HR director, do you believe that</p> <p>4 Glenn Roth, in his capacity as city solicitor and</p> <p>5 risk manager, if he knew of sexual harassment</p> <p>6 occurring, should have reported it to someone?</p> <p>7 A. Yes.</p> <p>8 Q. Who do you believe he should have</p> <p>9 reported it to?</p> <p>10 A. To me, the HR director at the time.</p> <p>11 Q. Do you believe having obtained the</p> <p>12 information in this report from Glenn Roth, that</p> <p>13 there are things he knew or observed that he,</p> <p>14 under the county policy, was obligated to report</p> <p>15 to HR?</p> <p>16 A. Can I take the time to read it?</p> <p>17 Q. Sure.</p> <p>18 A. Well, I mean, in the first paragraph it</p> <p>19 talks about that he admitted he heard a joke made</p> <p>20 in front of him and Jane Doe 3, made a comment</p> <p>21 that she liked sex. Glenn and Jane Doe 3 kind of</p> <p>22 rolled their eyes and shook their heads. George</p> <p>23 is one that likes to joke. He's already told</p> <p>24 Glenn and his wife that they should go parking.</p> |

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| <p>Page 186</p> <p>1 That, I mean, I guess if he was offended, he</p> <p>2 should have said something.</p> <p>3 He indicates that Jane Doe 3 had relayed</p> <p>4 that George had made a joke to Jane Doe 4 about</p> <p>5 being on her knees and that he had made a joke</p> <p>6 about popsicles. You know, those things -- I</p> <p>7 think that happened before I was there, though.</p> <p>8 Q. But in any event, he should have</p> <p>9 reported it --</p> <p>10 A. Yeah.</p> <p>11 Q. -- to who was in your position?</p> <p>12 A. Yes. I think any comments that were</p> <p>13 made that concerned -- if they expressed a concern</p> <p>14 to him that -- Jane Doe 3 expressed a concern to</p> <p>15 him that she was offended by a comment that was</p> <p>16 made, joke that was made and it was told to him, I</p> <p>17 believe he should have also referred it to HR.</p> <p>18 Q. Okay.</p> <p>19 If Jane Doe 3 hadn't used those words,</p> <p>20 but had said, I don't like when George makes these</p> <p>21 comments, would that be something that Defendant</p> <p>22 Roth should have referred to HR?</p> <p>23 A. Yes.</p> <p>24 Q. If Jane Doe 3 had said, I have concerns</p> | <p>Page 188</p> <p>1 Q. Do you believe that what his</p> <p>2 viewpoint -- Mr. Roth's viewpoint expressed to you</p> <p>3 during his interview was in violation of law?</p> <p>4 A. Yes. He said in his statement, and this</p> <p>5 is exactly why I made this statement, he made the</p> <p>6 statement that the county administration would</p> <p>7 never, never, in that tone, tell someone, an</p> <p>8 employee, a director, head department, head</p> <p>9 whatever, to do something that was illegal. And I</p> <p>10 literally the next day pulled out the U.S. Supreme</p> <p>11 Court case and said, okay, so Loudermill, Supreme</p> <p>12 Court says this is what's going forward. So we</p> <p>13 don't really have to pay attention to that. Then</p> <p>14 I said something that really is interesting,</p> <p>15 because I said, oh, Roe versus Wade, we don't have</p> <p>16 to abide by that anymore. Well, technically now</p> <p>17 we don't, but that's another issue.</p> <p>18 It's like -- so when the Supreme Court</p> <p>19 says something, it really -- it's really not</p> <p>20 important because we don't have to abide by it.</p> <p>21 Needless to say, I was being facetious and I was</p> <p>22 annoyed and trying to make a point.</p> <p>23 Q. Then your statement goes on to detail --</p> <p>24 this is the events leading -- that kind of</p> |
| <p>Page 187</p> <p>1 about George's behavior and the disruptions of my</p> <p>2 offices, is that something Glenn Roth should have</p> <p>3 referred to HR?</p> <p>4 A. Yes.</p> <p>5 Q. If we turn to the page which begins your</p> <p>6 statement, which is probably two pages later.</p> <p>7 A. Yup.</p> <p>8 Q. Above your statement is a continuation</p> <p>9 of Glenn Roth?</p> <p>10 A. Uh-huh.</p> <p>11 Q. This portion discusses -- it does</p> <p>12 mention an issue with the Loudermill hearing?</p> <p>13 A. Uh-huh.</p> <p>14 Q. Is that the issue you were testifying</p> <p>15 about earlier regarding the coroner's office?</p> <p>16 A. Yes.</p> <p>17 Q. So Glenn was aware of the issue?</p> <p>18 A. Yes.</p> <p>19 Q. And do you believe that Glenn's</p> <p>20 statements that you can always break a contract</p> <p>21 and it wouldn't be considered illegal, it was just</p> <p>22 one person's moral views, different from another's,</p> <p>23 do you believe that that is incorrect?</p> <p>24 A. Yes.</p>                                                                                                                                                               | <p>Page 189</p> <p>1 surround that Loudermill issue, correct?</p> <p>2 A. Uh-huh.</p> <p>3 Q. This November 2019, event?</p> <p>4 A. Yes.</p> <p>5 Q. And then we have Gary Bender's</p> <p>6 information provided to you. Who made the</p> <p>7 decision to speak with Defendant Bender?</p> <p>8 A. I believe I did. Again, it was matter</p> <p>9 of interviewing everybody who was -- who may have</p> <p>10 had some information.</p> <p>11 Q. The second full paragraph, there's an</p> <p>12 incident that Gary recalled regarding George. And</p> <p>13 in the second to last line you write: He said he</p> <p>14 knew what George meant, however he did not think</p> <p>15 it was funny.</p> <p>16 Did Gary tell you what he thought George</p> <p>17 meant?</p> <p>18 A. No. Do I have my own impression? Yes.</p> <p>19 Q. What's your impression?</p> <p>20 A. Basically of a male's physical and --</p> <p>21 rubber gloves.</p> <p>22 Q. Gotcha.</p> <p>23 A. That's what I understood it to be, but</p> <p>24 he never said that because that part, Gary would</p>                                                                                                                                                                                                                                                                                                     |

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| <p style="text-align: right;">Page 190</p> <p>1 never make those kind of statements in mixed<br/>2 company, I know that.<br/>3 Q. The next paragraph indicates that Gary<br/>4 went out to each of the women and apologized and<br/>5 asked them if they were uncomfortable.<br/>6 Do you know if Gary Bender ever<br/>7 approached Jane Doe 3, Jane Doe 4, Jane Doe 1, or<br/>8 Jane Doe 2 and asked them if they were<br/>9 uncomfortable by what George had done?<br/>10 A. No. The only conversation I'm aware of<br/>11 that he was in was the one that -- when we<br/>12 interviewed Jane Doe 2, Jane Doe 2, and we were<br/>13 all there and it was obvious she was upset.<br/>14 Q. What was -- after Jane Doe 2's interview<br/>15 with Mr. Bender present, did you have a<br/>16 conversation with him about the contents of what<br/>17 she disclosed?<br/>18 A. Yes. There were several conversations.<br/>19 Q. Did Defendant Bender ever tell you<br/>20 anything about whether he believed what she had<br/>21 reported or his feelings about it?<br/>22 A. Yes. I think he did believe what she<br/>23 said.<br/>24 Q. If we go back to Gary Bender's</p> | <p style="text-align: right;">Page 192</p> <p>1 Q. -- thing for you?<br/>2 A. Yes.<br/>3 Q. Did she show you the text message?<br/>4 A. Yes.<br/>5 Q. What happened after that? What, if<br/>6 anything, was done?<br/>7 A. Well, it had happened a period of time<br/>8 before. By the time it got to Gary and to myself,<br/>9 it had long since happened.<br/>10 Q. Okay.<br/>11 So it wasn't --<br/>12 A. So it wasn't anything recent. It was --<br/>13 I don't think it was -- I don't remember the date<br/>14 that it was.<br/>15 Q. Did you see the text message yourself?<br/>16 A. I didn't look at the time of it. I<br/>17 mean, I didn't look at the date. I didn't -- if I<br/>18 did, I didn't -- two and a half years later, I<br/>19 don't remember.<br/>20 Q. Do you know if there was anything<br/>21 documented in Defendant Halcovage's personnel file<br/>22 for the county?<br/>23 A. No.<br/>24 Q. Two paragraphs down it talks about</p>                                                                                                          |
| <p style="text-align: right;">Page 191</p> <p>1 statement, the next -- the paragraph that starts<br/>2 with Gary recalled an incident with Michelle<br/>3 O'Connell?<br/>4 A. Uh-huh.<br/>5 Q. If we go down about midway through, it<br/>6 indicates she said she wanted to show him<br/>7 something, she said she was planning on showing<br/>8 him before she left, but since she was -- since he<br/>9 was there, she would show him now. Then she<br/>10 showed him a text message from her phone that was<br/>11 sent by George Halcovage at approximately<br/>12 2:00 a.m. He couldn't recall the date, but while<br/>13 it was -- but it was while she was employed by the<br/>14 county. The message stated, no deck party<br/>15 tonight?<br/>16 A. Uh-huh.<br/>17 Q. Did Mr. Bender ever indicate whether he<br/>18 had reported this to anybody?<br/>19 A. He mentioned -- she was -- she had --<br/>20 she was resigning or had resigned and he mentioned<br/>21 it to me and he wanted me to speak with her before<br/>22 she left and I did.<br/>23 Q. Did she recall the same --<br/>24 A. Yes.</p>                                                       | <p style="text-align: right;">Page 193</p> <p>1 Defendant Halcovage going into Gary Bender's<br/>2 office and requesting -- is that Michelle still<br/>3 Michelle O'Connell?<br/>4 A. Yes.<br/>5 Q. Requesting she get signatures for him on<br/>6 a petition?<br/>7 A. Yes.<br/>8 Q. Was it your understanding from your<br/>9 conversation with Mr. Bender that this request by<br/>10 Defendant Halcovage was during work hours?<br/>11 A. Yeah, because Michelle was sitting in<br/>12 Gary's office when it happened, so I would assume<br/>13 it was, yes.<br/>14 Q. And do you know if this request was when<br/>15 Michelle O'Connell was still a county employee?<br/>16 A. Yes.<br/>17 Q. And do you know, did Gary before this<br/>18 statement to you on June 12th, did Mr. Bender<br/>19 report Defendant Halcovage's request that<br/>20 Ms. O'Connell get him signatures to anyone?<br/>21 A. Not to me. This was the first I heard<br/>22 of it.<br/>23 Q. In the very last sentence it indicates<br/>24 that Defendant Bender told Defendant Halcovage</p> |

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| <p style="text-align: right;">Page 194</p> <p>1 that his request was illegal. Did Defendant<br/>2 Bender ever tell you if he had reported this<br/>3 illegal activity by a county commissioner to any<br/>4 investigating agency?<br/>5 A. No.<br/>6 Q. Do you know if he did?<br/>7 A. No. I don't know the time frame of when<br/>8 that conversation happened.<br/>9 Q. Then we have a conversation you had with<br/>10 Deb Detweiler on June 12th, this next page.<br/>11 She indicates -- you write: I asked if<br/>12 she was aware of a conversation concerning<br/>13 Virginia Murray's sexual orientation.<br/>14 Did you ever speak with a Virginia<br/>15 Murray?<br/>16 A. No. She no longer worked at the<br/>17 courthouse and I didn't want to involve her.<br/>18 Q. Regarding Virginia Murray, during your<br/>19 employment with the county, did Defendant Bender,<br/>20 Halcovage, or Defendant Roth discuss express their<br/>21 opinion of her work performance?<br/>22 A. There were conversations, yes.<br/>23 Q. Were their opinions in those<br/>24 conversations favorable or did they dislike</p> | <p style="text-align: right;">Page 196</p> <p>1 such an error could be made?<br/>2 A. Really what I remember are comments that<br/>3 she just wasn't qualified. She didn't know the<br/>4 duties. She didn't know how to do her job, is<br/>5 what it sort of focused around.<br/>6 Q. Did you learn at any point that since<br/>7 your resignation from the county, that Ms. Murray<br/>8 has been, I don't know if it's rehired or brought<br/>9 back as a contractor?<br/>10 A. I read it in the paper.<br/>11 Q. Do you believe, based off of what you<br/>12 know and what conversations you had with Defendant<br/>13 Bender, Roth, and/or Halcovage that she is<br/>14 qualified to perform --<br/>15 A. No, I certainly don't think she is.<br/>16 Sorry.<br/>17 Q. Let me finish.<br/>18 A. Oh, sorry.<br/>19 Q. Qualified to perform the duties of chief<br/>20 assessor, assistant chief assessor?<br/>21 A. No. There were so many conversations<br/>22 about her not being qualified and her -- them<br/>23 being happy that she was resigning. And when I<br/>24 read it in the paper, I was flabbergasted. Like,</p>                      |
| <p style="text-align: right;">Page 195</p> <p>1 Ms. Murray?<br/>2 A. Their opinions were not favorable, but<br/>3 it wasn't whether they disliked her as a person.<br/>4 They just didn't feel she was as qualified as she<br/>5 needed to be.<br/>6 Q. And that was as a chief assessor?<br/>7 A. Yes.<br/>8 Q. Do you recall an incident or a<br/>9 conversation about an error Ms. Murray had made,<br/>10 something about a \$17 million error on the<br/>11 county's annual certification for repository<br/>12 sales?<br/>13 A. It sounds familiar, but I couldn't tell<br/>14 you the details.<br/>15 Q. So you don't know if you had had a<br/>16 conversation with Defendant Roth, Bender, or<br/>17 Halcovage about it?<br/>18 A. Not in detail. I mean, there may have<br/>19 been she made a huge mistake or something like<br/>20 that, but it wasn't -- I didn't get all the<br/>21 detail.<br/>22 Q. Okay.<br/>23 Do you recall Defendant Bender, Roth, or<br/>24 Halcovage being -- expressing disbelieve of how</p>                                                                                          | <p style="text-align: right;">Page 197</p> <p>1 why would you bring someone back that you thought<br/>2 was so unqualified. Sorry.<br/>3 Q. No, I appreciate it. Thank you.<br/>4 Did any of the defendants ever express<br/>5 similar opinions or just opinions in general,<br/>6 about Chrissy Zimmerman and her qualifications?<br/>7 A. Qualifications for what? For her<br/>8 current position or for the -- because she's in a<br/>9 different position than when I was there.<br/>10 Q. So when she was -- when you were there,<br/>11 she was just --<br/>12 A. She sat out in the front at one of front<br/>13 desks. She was, I don't know, a clerical person<br/>14 for what I understand.<br/>15 Q. In assessment?<br/>16 A. Yes. I believe, yeah.<br/>17 Q. So let me ask it this way: Based off of<br/>18 what you know having worked at the county and/or<br/>19 conversations with any of the defendants, do you<br/>20 believe that Chrissy Zimmerman is qualified to<br/>21 hold the position she currently holds?<br/>22 A. In her current position is what,<br/>23 supervisor?<br/>24 Q. I believe she's interim assistant chief</p> |



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| <p style="text-align: right;">Page 198</p> <p>1 assessor.</p> <p>2 A. Not unless she's had a whole lot of</p> <p>3 education since I left.</p> <p>4 Q. Turn to the next page. I want to take</p> <p>5 you to the first full paragraph.</p> <p>6 Deb was then informed by Jane Doe 2 that</p> <p>7 she was removed from the drug and alcohol advisory</p> <p>8 board, not by her choosing.</p> <p>9 A. Uh-huh.</p> <p>10 Q. Do you know who removed Deb Detweiler</p> <p>11 from the drug and alcohol advisory board?</p> <p>12 A. I do not. But, again, it would have</p> <p>13 been something that was voted on by the</p> <p>14 commissioners.</p> <p>15 Q. This Melissa that's reference there, do</p> <p>16 you know -- I'm going to butcher her last name, so</p> <p>17 I am not even --</p> <p>18 A. Kalyan.</p> <p>19 Q. Was Melissa Kalyan, do you know,</p> <p>20 terminated from the county?</p> <p>21 A. I believe I read that in the paper.</p> <p>22 Q. Do you have any knowledge as to why?</p> <p>23 A. Firsthand knowledge, no.</p> <p>24 Q. Do you have any reason based off your</p>                                                                           | <p style="text-align: right;">Page 200</p> <p>1 Bonnie Raitt concert. We came out, it was</p> <p>2 starting to sort of sleet. The weather was bad.</p> <p>3 She checked her phone and saw that she had gotten</p> <p>4 a text from Commissioner Halcovage. She was sort</p> <p>5 of creeped out about it because she said she never</p> <p>6 gave him her phone number. We talked about how he</p> <p>7 could have possibly gotten her personal cell</p> <p>8 phone. I said maybe he went into the office to</p> <p>9 wish you a happy -- because we left early that day</p> <p>10 to go to the concert. Maybe he went in to the</p> <p>11 office to wish you a happy birthday. Maybe they</p> <p>12 gave him your number.</p> <p>13 We checked with all three employees in</p> <p>14 the HR office on Monday. This was a Friday night.</p> <p>15 None of them had given him her personal cell phone</p> <p>16 number.</p> <p>17 Q. Going to the next page, Tiffany Mayer.</p> <p>18 A. Yes.</p> <p>19 Q. Based off of your conversation or</p> <p>20 interview with Ms. Mayer, is there any reason that</p> <p>21 you had to disbelieve what she relayed to you</p> <p>22 during that conversation?</p> <p>23 A. No.</p> <p>24 Q. Then we have Helene O'Connor is the</p> |
| <p style="text-align: right;">Page 199</p> <p>1 conversation with Ms. Detweiler to believe that</p> <p>2 anything she relayed to you was not true?</p> <p>3 A. No.</p> <p>4 Q. There's then a conversation or the notes</p> <p>5 regarding the conversation you had with Ann Craft.</p> <p>6 Do you see that?</p> <p>7 A. Uh-huh.</p> <p>8 Q. Who is Ms. Craft?</p> <p>9 A. She is -- she was -- still is, the</p> <p>10 administrative assistant in the human resource</p> <p>11 office. She is also the same friend that I</p> <p>12 mentioned I wanted -- I'd gone to high school with</p> <p>13 her, wanted to hire her in that position and where</p> <p>14 I was told to have her change her political party.</p> <p>15 Q. The information that Ann Craft relays</p> <p>16 regarding the text message there in that first</p> <p>17 paragraph, you were actually witness to it,</p> <p>18 correct?</p> <p>19 A. I was with her when she received it,</p> <p>20 yes.</p> <p>21 Q. Is what Ann Craft informed you of what</p> <p>22 you recall from that event?</p> <p>23 A. She -- we had been to a -- it was her</p> <p>24 birthday. We had gone to a James Taylor and</p> | <p style="text-align: right;">Page 201</p> <p>1 final. Other than what -- other than Helen</p> <p>2 O'Connor, was there anyone else -- well, Jane Doe</p> <p>3 1 and George Halcovage -- that you interviewed in</p> <p>4 connection with your investigation?</p> <p>5 A. I don't think so. I would have written</p> <p>6 them up.</p> <p>7 Q. Okay.</p> <p>8 Again, sometimes these questions seem</p> <p>9 obvious, but we just have to kind of clear some</p> <p>10 things up.</p> <p>11 Based off your conversation with Ms.</p> <p>12 O'Connor, was there any reason that you had to</p> <p>13 disbelieve her?</p> <p>14 A. No.</p> <p>15 Q. We can put that one aside.</p> <p>16 We now have yesterday's 69.</p> <p>17 You now have before you interview</p> <p>18 questions from Jane Doe 1 concerning an</p> <p>19 investigation of sexual harassment. It's</p> <p>20 previously been marked as Exhibit-69.</p> <p>21 Does this document look familiar to you?</p> <p>22 A. Yes.</p> <p>23 Q. And are these questions that you asked</p> <p>24 Jane Doe 1 as a result of the May 22nd e-mail?</p>                                                                                                                                                                  |



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| <p>Page 202</p> <p>1 A. Yes.</p> <p>2 Q. Were these questions pre-written before</p> <p>3 you spoke with Jane Doe 1?</p> <p>4 A. Yes. I came up with some questions to</p> <p>5 ask, yes.</p> <p>6 Q. You had them written down and then took</p> <p>7 notes as you spoke with Jane Doe 1?</p> <p>8 A. Yes.</p> <p>9 Q. These questions and the answers then</p> <p>10 provided, the notes regarding them were for the</p> <p>11 meeting between you, Jane Doe 1, in which Mr. Roth</p> <p>12 and I were present, correct?</p> <p>13 A. Yes.</p> <p>14 Q. I think you already answered this, I</p> <p>15 apologize, after speaking with Jane Doe 1, was</p> <p>16 there any reason you had to disbelieve what she</p> <p>17 relayed to you?</p> <p>18 A. No.</p> <p>19 Q. Do you recall when this interview was</p> <p>20 conducted?</p> <p>21 A. No. But I believe it's in my -- my</p> <p>22 final reports. It was some time between -- I</p> <p>23 think it took a while to get your schedule and</p> <p>24 hers together and Glenn's.</p>                                                                                                                                                                                                                                             | <p>Page 204</p> <p>1 some of them would not be seen as positive in this</p> <p>2 kind of situation and I needed to know if he would</p> <p>3 still be honest about the answers. I didn't have</p> <p>4 that -- that kind of -- I didn't know Jane Doe 1</p> <p>5 well enough to be able to do that with her.</p> <p>6 Q. I'm going to represent to you that your</p> <p>7 final report says that you interviewed Halcovage</p> <p>8 on June 10th and June 23rd. So you believe Jane</p> <p>9 Doe 1 interview would have been some time --</p> <p>10 A. Somewhere between there, yes.</p> <p>11 Q. To make you feel better, I'm asking this</p> <p>12 question because I don't remember and I was there.</p> <p>13 A. Okay.</p> <p>14 Q. Did you type your answers on a computer?</p> <p>15 A. I think I did because I think I was</p> <p>16 typing as -- because at some point, I started --</p> <p>17 and I know in George's -- I think in both of his I</p> <p>18 was typing.</p> <p>19 Q. Okay.</p> <p>20 A. And I think on hers I was typing as</p> <p>21 well.</p> <p>22 Q. Okay.</p> <p>23 A. Because then I didn't have to write and</p> <p>24 then go back and redo it. It's like just type and</p> |
| <p>Page 203</p> <p>1 Q. Do you know --</p> <p>2 A. It was in the month of June, I can tell</p> <p>3 you that because they were all done -- by the end</p> <p>4 of June I was typing up the report, the final</p> <p>5 report.</p> <p>6 Q. Do you know if your interview with Jane</p> <p>7 Doe 1 occurred before or after the first interview</p> <p>8 with Defendant Halcovage?</p> <p>9 A. I believe it was after because I think</p> <p>10 the reason I asked for the second interview was</p> <p>11 there were discrepancies between George's</p> <p>12 interview and Jane Doe 1 interview and I wanted to</p> <p>13 determine -- somebody -- there were discrepancies.</p> <p>14 Somebody wasn't being totally honest. I didn't</p> <p>15 know Jane Doe 1 well enough and hadn't had</p> <p>16 conversations with her that I could ask her</p> <p>17 questions that I would -- like about conversations</p> <p>18 she and I had had. She was an acquaintance. I</p> <p>19 knew her to say hello to, to have a casual</p> <p>20 conversation, but I never really had a real</p> <p>21 conversation with her.</p> <p>22 George I knew. I felt I knew well. We</p> <p>23 had had numerous conversations. I felt I could</p> <p>24 ask him questions about conversations we had. And</p> | <p>Page 205</p> <p>1 I just had to go back and correct misspellings.</p> <p>2 Q. These are as contemporaneous as you</p> <p>3 could with Ms. --</p> <p>4 A. Yes.</p> <p>5 Q. -- Jane Doe 1, telling you what</p> <p>6 happened, you were able to type these answers here</p> <p>7 on this Exhibit-69?</p> <p>8 A. Uh-huh. Yes. Oh, sorry. Yes.</p> <p>9 Q. Do you recall during the interview, did</p> <p>10 Defendant Roth ask questions?</p> <p>11 A. He may have asked a couple follow up</p> <p>12 somewhere in here, I believe. I honestly can't</p> <p>13 remember. Again, I ask a question and she talked.</p> <p>14 And when people did, I just took notes and let</p> <p>15 them talk and wanted to be sensitive that they</p> <p>16 felt they were being heard.</p> <p>17 Q. Do you know at any point when you worked</p> <p>18 at the county, did you learn that Jane Doe 1</p> <p>19 suffered or had an issue with alcohol or</p> <p>20 alcoholism?</p> <p>21 A. Yes.</p> <p>22 Q. When did you learn that?</p> <p>23 A. I can't tell you the date and time, but</p> <p>24 I can tell you it was told to me by Commissioner</p>                                                                 |

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| <p>Page 206</p> <p>1 Halcavage.</p> <p>2 Q. What was his reason for telling you</p> <p>3 that?</p> <p>4 A. You'd have to ask him that question. I</p> <p>5 don't know the reason why he said it. I can tell</p> <p>6 you on occasions, he would come in, sit in my</p> <p>7 office, talk. During one of the -- and it</p> <p>8 wasn't -- it happened regularly. It wasn't daily,</p> <p>9 it wasn't necessarily weekly, but it happened</p> <p>10 regularly.</p> <p>11 Q. The Defendant Halcavage told you about</p> <p>12 --</p> <p>13 A. That he would come in and sit down and</p> <p>14 have a conversation.</p> <p>15 Q. Okay.</p> <p>16 A. During one of those conversations, he</p> <p>17 was -- somehow Jane Doe 1 name came into it. He</p> <p>18 talked about how -- talked about her Boyfriend</p> <p>19 Dock, one-time Boyfriend Dock, that they both were</p> <p>20 alcoholics, that Dock had taken Jane Doe 1 car,</p> <p>21 Jane Doe 1 mother's car or something, anyway, had</p> <p>22 an accident, Jane Doe 1 car and had an accident</p> <p>23 with it.</p> <p>24 We're going to turn to the page that has</p> | <p>Page 208</p> <p>1 didn't feel she could.</p> <p>2 With your background in psychology, do</p> <p>3 you understand why Jane Doe 1 didn't feel that she</p> <p>4 could come to you?</p> <p>5 MR. LETTRICH: Objection to the</p> <p>6 form.</p> <p>7 But you can answer.</p> <p>8 THE WITNESS: Yes. I get she</p> <p>9 was -- look, I get she was afraid. I feel like --</p> <p>10 I feel like I failed her because she couldn't.</p> <p>11 Sorry.</p> <p>12 BY MS. SMITH:</p> <p>13 Q. Do you understand what delayed</p> <p>14 disclosure is; are you familiar with that term?</p> <p>15 A. No.</p> <p>16 Q. Knowing what you know about the county,</p> <p>17 knowing what you know about what's happened since,</p> <p>18 do you believe that Jane Doe 1 fear of coming</p> <p>19 forward would be -- if Jane Doe 1 was fearful</p> <p>20 about coming forward, that it would have been</p> <p>21 justifiable?</p> <p>22 A. Yes. Absolutely.</p> <p>23 MR. LETTRICH: Objection to form.</p> <p>24 You can answer.</p>                                                                                                                                                                                                                                                                |
| <p>Page 207</p> <p>1 questions on it.</p> <p>2 A. Is yours different?</p> <p>3 Q. It's the same. Just two people produced</p> <p>4 them, so this one was produced by the county.</p> <p>5 This one was produced by us to the county, that's</p> <p>6 why they are different numbers.</p> <p>7 It's the page with Question 8 going into</p> <p>8 9.</p> <p>9 A. Yup. Okay.</p> <p>10 Q. Do you see the triple I?</p> <p>11 A. Uh-huh.</p> <p>12 Q. The last sentence of that: Glenn asked</p> <p>13 if he ever told her he loved her. She said yes,</p> <p>14 he told her he loved her.</p> <p>15 Do you recall Glenn asking that</p> <p>16 question?</p> <p>17 A. Not off the top of my head. I'm sorry.</p> <p>18 Q. Going down to 12, it says: Can I ask</p> <p>19 why you did not come to me concerning this matter.</p> <p>20 That was you asking Jane Doe 1?</p> <p>21 A. Yes. And I had tears in my eyes. I</p> <p>22 remember that very clearly.</p> <p>23 Q. Jane Doe 1 told you she didn't know you</p> <p>24 well enough, George pretty much owned her, and she</p>                                                    | <p>Page 209</p> <p>1 THE WITNESS: Sorry.</p> <p>2 BY MS. SMITH:</p> <p>3 Q. You can answer.</p> <p>4 A. Yes. Absolutely. The other thing I can</p> <p>5 tell you, in the fall of 2019, the chamber of</p> <p>6 commerce has what's known as the young</p> <p>7 entrepreneurial academy program. At some point in</p> <p>8 late summer, early fall of 2019, I had passed Jane</p> <p>9 Doe 1 in the hall and she made the statement that</p> <p>10 her daughter was going to enter that program. Her</p> <p>11 daughter was a sixth grader, I think. I'm a</p> <p>12 mentor in that program so we chatted about it.</p> <p>13 She said, oh, would you consider being her mentor.</p> <p>14 I said I would.</p> <p>15 I can tell you on the first night of</p> <p>16 that program -- well, not the first night of the</p> <p>17 program, the first night that the mentors -- it's</p> <p>18 a program that goes on for months. The mentors</p> <p>19 work with the students on developing, writing a</p> <p>20 business plan, because I had had my own business,</p> <p>21 I had been doing that for a few years.</p> <p>22 The first night that the mentors are</p> <p>23 there, the parents come and participate. Jane Doe</p> <p>24 1 introduced me to her daughter and as we said</p> |

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| <p>Page 210</p> <p>1 hello, she made a statement which sort of threw me</p> <p>2 off and she said, oh, yeah, Kelly, this is the</p> <p>3 woman who can fire me. And I said, Jane Doe 1,</p> <p>4 why would you say that. I don't -- I can't fire</p> <p>5 you. So to me, she was fearful already and I</p> <p>6 should have realized that she was in fear of her</p> <p>7 job from that statement. But, again, I just</p> <p>8 thought, why would -- why would you even make that</p> <p>9 statement. Sorry.</p> <p>10 Q. You're okay. Take your time. If you</p> <p>11 need a break, let us know.</p> <p>12 A. No. I'm good.</p> <p>13 Her daughter won, by the way.</p> <p>14 Q. This is SCDOJRP258. It's the George</p> <p>15 Halcovage questions.</p> <p>16 Ms. Twigg, these are your notes and --</p> <p>17 questions and notes from the interview you</p> <p>18 conducted, interviews I should say, that you</p> <p>19 conducted of George Halcovage, correct?</p> <p>20 A. Yes.</p> <p>21 Q. Again, I think you testified to this</p> <p>22 earlier, but when you were taking -- when you were</p> <p>23 conducting the interview, you believe both of</p> <p>24 George Halcovage's you were typing the responses?</p> | <p>Page 212</p> <p>1 THE WITNESS: In Question 2A, do</p> <p>2 you recall being in my office, steering a</p> <p>3 conversation to that of a sexual nature? He said</p> <p>4 he can't answer that at this time. I know that he</p> <p>5 did because I go on to talk about the different --</p> <p>6 BY MS. SMITH</p> <p>7 Q. I'm sorry. Keep going.</p> <p>8 A. The different instances. He recalled</p> <p>9 telling me about the sexual exploits of controller</p> <p>10 Christy Joy. He said because we received an</p> <p>11 e-mail, yes. It was either a text or e-mail to</p> <p>12 all three commissioners about something going on</p> <p>13 with Christy Joy. You don't recall telling me</p> <p>14 about his comments regarding sexual relations.</p> <p>15 Q. So if you are going to -- read to</p> <p>16 yourself. Either let us know --</p> <p>17 A. Okay.</p> <p>18 Q. -- because she --</p> <p>19 A. Sorry. So if you go to Question 2 and</p> <p>20 you go down to -- well, I didn't put a little</p> <p>21 number there. It's A, B, and then it starts with</p> <p>22 because we received an e-mail. The question was:</p> <p>23 Do you recall telling me about some of the sexual</p> <p>24 exploits of Controller Christy Joy.</p> |
| <p>Page 211</p> <p>1 A. Yes.</p> <p>2 Q. Can you tell me just based off your</p> <p>3 recollection, after the two sets of interviews and</p> <p>4 the interview with Jane Doe 1, was there anything</p> <p>5 that you believe that George Halcovage was</p> <p>6 untruthful about?</p> <p>7 A. Yes.</p> <p>8 Q. Is there anything that you personally</p> <p>9 know, based off of what you observed, that you</p> <p>10 know George Halcovage wasn't truthful about?</p> <p>11 A. Yes.</p> <p>12 Q. Can you tell us what things you can say</p> <p>13 based off your observations, he was untruthful</p> <p>14 about?</p> <p>15 A. Can I --</p> <p>16 Q. Yeah, take your time.</p> <p>17 A. I am looking for the start of the second</p> <p>18 set of questions, because that's really where the</p> <p>19 questions about Jane Doe 1. So that's the ones</p> <p>20 that I can tell you I know for a fact are the ones</p> <p>21 that have to do with things he may have said to</p> <p>22 me.</p> <p>23 Q. So you are on pages --</p> <p>24 MS. FOX: For everybody else, 544.</p>                                                                                                                                            | <p>Page 213</p> <p>1 Q. I'm going to stop you there.</p> <p>2 The you in that sentence, you, Deb</p> <p>3 Twigg?</p> <p>4 A. Do you, George Halcovage, remember --</p> <p>5 Q. I'm sorry.</p> <p>6 The me?</p> <p>7 A. -- recall -- recall telling me, yes,</p> <p>8 Debra Twigg.</p> <p>9 Q. So as you sit here now, can you recall</p> <p>10 the incident which you --</p> <p>11 A. Yes.</p> <p>12 Q. Can you tell us what happened?</p> <p>13 A. I can't tell you how we got on the</p> <p>14 sexual topic. I can tell you he talked about --</p> <p>15 and it might have been that I mentioned I have an</p> <p>16 inversion, ie, exercise. I'm getting old. I get</p> <p>17 on an inversion table to keep my back stretched</p> <p>18 out. I happened to mention the inversion table, I</p> <p>19 think, that's how I'm guessing we got to there.</p> <p>20 He talked about Christy Joy having an inversion</p> <p>21 table and having someone performing oral sex on</p> <p>22 him while he was on the inversion table, I believe</p> <p>23 was the gist of the conversation.</p> <p>24 Q. Okay.</p>                                                                                                                                          |

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| <p>Page 214</p> <p>1 Your report indicates --</p> <p>2 A. And she was the county controller.</p> <p>3 Q. Christy Joy was the county controller?</p> <p>4 A. Yes.</p> <p>5 Q. And the comment to you was made by</p> <p>6 Defendant Halcavage?</p> <p>7 A. Yes.</p> <p>8 Q. Do you recall any other times that</p> <p>9 Defendant Halcavage mentioned sexual exploits of</p> <p>10 County Controller Christy Joy?</p> <p>11 A. No. I think that was the only time</p> <p>12 about Christy Joy, I believe.</p> <p>13 Q. You go on to talk about a time that he</p> <p>14 made a comment -- Defendant Halcavage made a</p> <p>15 comment about the sexual exploits of District</p> <p>16 Attorney Michael O'Pake?</p> <p>17 A. Yup.</p> <p>18 Q. Can you talk about that one. Where were</p> <p>19 you and who made that comment?</p> <p>20 A. Again, it was in my office. He made a</p> <p>21 comment again about Mike O'Pake. Basically --</p> <p>22 supposedly a -- I don't know if it was this</p> <p>23 particular person or not, having not being</p> <p>24 necessarily able to pay for legal services and</p> | <p>Page 216</p> <p>1 A. I don't understand what you're asking.</p> <p>2 Q. Is the again, is that Defendant</p> <p>3 Halcavage's response to this 4B --</p> <p>4 A. Yes.</p> <p>5 Q. -- statement?</p> <p>6 A. Yes. Sorry.</p> <p>7 Q. Do you believe that Defendant -- not</p> <p>8 believe. I'm sorry.</p> <p>9 Do you recall if Defendant Halcavage's</p> <p>10 statement regarding Ann Craft to you was more of a</p> <p>11 it would just make life easier or was it a clear,</p> <p>12 she must change her political party type state,</p> <p>13 explicit statement versus implied?</p> <p>14 A. Initially it was said that she would</p> <p>15 need to change her party. When I came -- I came</p> <p>16 back and said I'm not comfortable doing that and I</p> <p>17 won't have that conversation with her, I'll just</p> <p>18 post the job and hire whoever I need to hire. And</p> <p>19 then he told me I didn't have to do that, I could</p> <p>20 hire her.</p> <p>21 Q. Okay.</p> <p>22 If we go to 9.</p> <p>23 A. Okay.</p> <p>24 Q. If we go to 9A, there's an objection and</p>                                                                                                                                                                                                                                                                                         |
| <p>Page 215</p> <p>1 accepting oral services as payment.</p> <p>2 Q. Sorry you lost me.</p> <p>3 George said who accepted oral sex for</p> <p>4 payment?</p> <p>5 A. The district attorney.</p> <p>6 Q. Because --</p> <p>7 A. And this was before he was district</p> <p>8 attorney. I got the impression it was earlier in</p> <p>9 his career.</p> <p>10 Q. Okay.</p> <p>11 A. I don't know when. I don't know --</p> <p>12 Q. Do you even know if that's true?</p> <p>13 A. No, not at all.</p> <p>14 Q. But you know that Defendant Halcavage</p> <p>15 told --</p> <p>16 A. Made that statement to me, yes.</p> <p>17 Q. If we go down to Question 4B.</p> <p>18 A. Okay.</p> <p>19 Q. It talks about -- this question and then</p> <p>20 4 and then B talk about the changing of political</p> <p>21 parties. You see, again, that would be because of</p> <p>22 the pressure, it would just make life easier.</p> <p>23 Was that Defendant Halcavage's response</p> <p>24 regarding your question or statement in 4B?</p>                                                                                 | <p>Page 217</p> <p>1 then 9B you indicate that you didn't ask the</p> <p>2 question because his attorney was already quite</p> <p>3 angry. Can you tell me, when did his attorney</p> <p>4 start to become angry?</p> <p>5 A. I'm reading. I can't tell you</p> <p>6 exactly -- I mean, he clearly was angry at this</p> <p>7 point. At some point, and I don't know whether I</p> <p>8 wrote this in the notes or not, I can't imagine</p> <p>9 that I wouldn't have, he made -- Halcavage's</p> <p>10 attorney made the -- at some point, Mr.</p> <p>11 Halcavage's attorney made the statement that he</p> <p>12 was under the impression -- he said that these</p> <p>13 were new questions being asked. And he made the</p> <p>14 statement that he was told there would not be any</p> <p>15 new questions. And I asked, who told him that.</p> <p>16 He said that he was told that by Solicitor Roth.</p> <p>17 Solicitor Roth was sitting next to me and I turned</p> <p>18 to him and I said, look, I went over these</p> <p>19 questions with you ahead of time. You knew there</p> <p>20 that were new questions. You even made some</p> <p>21 revisions to some of them. And I looked at</p> <p>22 Commissioner Halcavage's attorney and I said, the</p> <p>23 fact that you would only speak to an attorney and</p> <p>24 you wouldn't -- if you wanted to know whether</p> |



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| <p>Page 218</p> <p>1 there were new questions, you should have asked</p> <p>2 me. The fact that you spoke to Solicitor Roth</p> <p>3 about it and he lied to you, not my issue.</p> <p>4 MS. SMITH: I am going to mark the</p> <p>5 Supplement 2230 through 2254. This one we'll have</p> <p>6 to put on the screen.</p> <p>7 ---</p> <p>8 (Supplement 2230-2254 marked as Exhibit</p> <p>9 for identification.)</p> <p>10 ---</p> <p>11 BY MS. SMITH:</p> <p>12 Q. I am going to put back in front of you</p> <p>13 70. This is the one you were just looking at.</p> <p>14 A. Okay.</p> <p>15 Q. This is the one the county produced.</p> <p>16 A. Okay.</p> <p>17 Q. I'm marking as 84.</p> <p>18 MS. IPPOLITO: Can you tell me</p> <p>19 which one 84 is?</p> <p>20 MS. SMITH: We didn't mark it yet,</p> <p>21 we are going to give you a copy, but it's</p> <p>22 Supplemental 2230 through 2254.</p> <p>23 BY MS. SMITH:</p> <p>24 Q. Do you recall we subpoenaed documents</p> | <p>Page 220</p> <p>1 Q. Right.</p> <p>2 Because you took the copy with you</p> <p>3 maintained it, so that --</p> <p>4 A. Because I didn't trust that it wouldn't</p> <p>5 be changed, yes.</p> <p>6 Q. So in September when you resigned, you</p> <p>7 had concerns that the documents you prepared in</p> <p>8 connection with the investigation could be altered</p> <p>9 by someone?</p> <p>10 A. Let's just say I had a trust issue.</p> <p>11 Q. Who was that trust issue with?</p> <p>12 A. The county in general.</p> <p>13 Q. Can you tell us why?</p> <p>14 A. I think just things I had seen. You</p> <p>15 know, the conversation where knowing in a court of</p> <p>16 law, if I was telling the truth and it was not --</p> <p>17 you know, the situation I gave with the clerk of</p> <p>18 courts, where if I was telling the truth, I was</p> <p>19 told that I would be totally discredited, my</p> <p>20 professional reputation would be attacked, knowing</p> <p>21 full well I was telling the truth just because</p> <p>22 they needed to defend the county. Yeah, that's a</p> <p>23 pretty clear message that I shouldn't trust that</p> <p>24 they wouldn't do something that wasn't unethical,</p> |
| <p>Page 219</p> <p>1 from you --</p> <p>2 A. Yes.</p> <p>3 Q. -- I sent you a subpoena and you</p> <p>4 produced documents to me?</p> <p>5 A. Yes.</p> <p>6 Q. This is the one you gave to me pursuant</p> <p>7 to that subpoena. These are the copies we passed</p> <p>8 out.</p> <p>9 What I want you to do, if we look back</p> <p>10 to where I just had you.</p> <p>11 A. Uh-huh.</p> <p>12 Q. So for you, 10, I think. Here's the</p> <p>13 objection.</p> <p>14 I want you to look at 9A and 9B, they</p> <p>15 don't have the same.</p> <p>16 Do you know why these are different?</p> <p>17 A. No, I don't.</p> <p>18 Q. But the one you produced to me pursuant</p> <p>19 to the subpoena would be the correct --</p> <p>20 A. Yes.</p> <p>21 Q. -- true and accurate copy?</p> <p>22 A. Yes.</p> <p>23 Q. Okay.</p> <p>24 A. To me it would be.</p>                                                                                                                         | <p>Page 221</p> <p>1 immoral, or illegal to win a case.</p> <p>2 Q. After all of these interviews were</p> <p>3 conducted, these notes were typed up, you did</p> <p>4 create a final report?</p> <p>5 A. Yes. Uh-huh.</p> <p>6 Q. There was a time when you created a</p> <p>7 final draft report?</p> <p>8 A. Yes.</p> <p>9 Q. And then there was a final, final --</p> <p>10 A. Yes.</p> <p>11 Q. -- report?</p> <p>12 A. Yes.</p> <p>13 Q. Was anything changed between your draft</p> <p>14 and the final, final report?</p> <p>15 A. Well, yeah. There wouldn't have had to</p> <p>16 been a final, final report.</p> <p>17 Q. Did anyone tell you to take anything out</p> <p>18 of your draft before publishing, I guess, for lack</p> <p>19 of a better word, the final, final?</p> <p>20 MS. IPPOLITO: Objection to the</p> <p>21 form.</p> <p>22 THE WITNESS: Pardon?</p> <p>23 BY MS. SMITH:</p> <p>24 Q. Objection to the form is just something</p>                                                                                                                                                                                                                                                             |



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| <p style="text-align: right;">Page 222</p> <p>1 for attorneys for at a later time, so you don't<br/>2 need to --<br/>3 A. Okay.<br/>4 Q. You can answer, unless someone tells you<br/>5 not to answer, it means that.<br/>6 A. I can tell you there was -- during the<br/>7 conversation with Jane Doe 2 there was an incident<br/>8 that -- the part about her wearing jeans that<br/>9 had -- that were shredded or ripped or whatever<br/>10 the heck they are called. And she had --<br/>11 apparently Gary Bender had sent her an e-mail on a<br/>12 Saturday, because she wore these jeans on a<br/>13 Friday. He apparently -- Commissioner Halcovage<br/>14 had gone to him he sent her e-mail on Saturday.<br/>15 At some point in that meeting, because<br/>16 that topic came up during that discussion that he<br/>17 was in and Jane Doe 3 and Jane Doe 4 and Jane Doe 2<br/>18 and I were in, he -- I think she wanted water. He<br/>19 got -- I remember him getting up. As he was<br/>20 walking out the door, he apologized to her for<br/>21 sending that e-mail.<br/>22 I wrote that in the original notes. He<br/>23 took offense to that, felt like I was saying that<br/>24 he was guilty for something. I had had</p>                                                        | <p style="text-align: right;">Page 224</p> <p>1 wouldn't do that. And I said, this is my report,<br/>2 I'm going to write what I think needs to be in<br/>3 there. If you want to write the report, you write<br/>4 the report. He got upset and left.<br/>5 In the version that I wrote that report,<br/>6 it does recommend that Commissioner Halcovage<br/>7 resign.<br/>8 Q. Do you know why Defendant Roth suggested<br/>9 you not include that or that he wouldn't --<br/>10 A. No. You would have to ask him. I told<br/>11 them when I started, I would not do anything<br/>12 illegal, unethical, immoral. I am not going to --<br/>13 like I said, I mean, at this point I have been<br/>14 doing this for 30 years. I'm not going to ruin my<br/>15 reputation, like I said, because George couldn't<br/>16 keep his pants up. Sorry.<br/>17 Q. I appreciate that.<br/>18 Between the date of your report, your<br/>19 final report, it's June 26th, if I recall, of<br/>20 2020, and when you resigned from the county<br/>21 September 4, 2020, do you believe that you<br/>22 observed or learned of any retaliatory behavior by<br/>23 any of the Defendants, Bender, Roth, Halcovage?<br/>24 MR. LETTRICH: Objection to form.</p> |
| <p style="text-align: right;">Page 223</p> <p>1 conversations with Solicitor Roth about it. I<br/>2 didn't think it said what he thought it said, but<br/>3 did I change it because he was angry about it?<br/>4 Yes, I did.<br/>5 I tend to be a perfectionist. So, look,<br/>6 I'm the person that -- when I was in college,<br/>7 professors said the first day of class you have a<br/>8 paper due at the end, I started it that weekend<br/>9 and I revised and revised and revised it because I<br/>10 tend to want it to be perfect. I'm sure some of<br/>11 that is the version, the final version, all of<br/>12 that type of stuff.<br/>13 I can tell you when I was finalizing the<br/>14 report, not the notes, but the report, both<br/>15 Solicitor Roth and Gary Bender came in numerous<br/>16 times because they were very anxious for the final<br/>17 report to be written. I can tell you that at one<br/>18 point in time, Solicitor Roth came in to my<br/>19 office, sat down, asked where we were. We talked<br/>20 about the final paragraph or so and whether I<br/>21 should use the word that it would be recommended<br/>22 that Commissioner Halcovage resign.<br/>23 He made the statement, I wouldn't -- you<br/>24 know, I don't think you should do that or I</p> | <p style="text-align: right;">Page 225</p> <p>1 But you can answer.<br/>2 THE WITNESS: I believe that things<br/>3 were -- it was becoming clear to me that things<br/>4 weren't necessarily the way I would have done<br/>5 them. I think -- I can tell you felt like I was<br/>6 being left out of conversations because I am --<br/>7 again, to me, HR is Switzerland. I was -- I<br/>8 needed to be there. I listened to both sides. I<br/>9 felt that Gary, in particular, possibly Glenn<br/>10 because he tended to follow along with Gary, that<br/>11 they started seeing me as not being on<br/>12 management's side, shall we say. I'm not on<br/>13 anyone's side. I'm here, I'm telling the truth.<br/>14 The truth that I -- the truth, it's what it is.<br/>15 If you don't like it, you change your behavior,<br/>16 you do something different, but you don't lie.<br/>17 BY MS. SMITH:<br/>18 Q. Do you believe that -- I think you<br/>19 testified that you were left out of conversations?<br/>20 A. I felt that, yes.<br/>21 Q. Do you believe the conversations you<br/>22 were left out of are ones that the HR director for<br/>23 the county should have been involved in?<br/>24 A. Yes. Yes.</p>                      |

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| <p>Page 226</p> <p>1 Q. Do you believe or know why you were left<br/>2 out of those conversations?</p> <p>3 A. I think they knew that, well, we'd<br/>4 probably end up here and I would have to tell the<br/>5 truth about what was said, my guess. I don't know<br/>6 that that's a fact.</p> <p>7 Q. Do you believe that you were left out<br/>8 the conversations because you had concluded that<br/>9 the plaintiffs in this case, Jane Doe 1, Jane Doe<br/>10 2, Jane Doe 3, and Jane Doe 4, were being truthful<br/>11 about what had occurred and that Defendant<br/>12 Halcovage had violated county policies?</p> <p>13 A. Do I believe that was why I was left out<br/>14 of the conversation because I believed that?<br/>15 Sorry. I'm struggling because I think -- I truly<br/>16 think Gary Bender, as well as Solicitor Roth also<br/>17 knew that those statements were true. So I think<br/>18 more it was that I wasn't going to -- I was going<br/>19 to stand up and say, you can't do this, you can't<br/>20 do that. You can't do that, and it's not<br/>21 necessarily what they wanted to here.</p> <p>22 Q. Since your resignation from the<br/>23 county -- well, let's start with this.</p> <p>24 After you resigned from the county, you</p> | <p>Page 228</p> <p>1 hostile work environment unless it's because of a<br/>2 discriminatory category. So were you being<br/>3 treated in a hostile fashion because you're a<br/>4 woman? No. I think they treated everyone the<br/>5 same way, in a hostile manner. And not all the<br/>6 time, but at times.</p> <p>7 I believe that -- you know, there were<br/>8 people going around just stabbing you in the back,<br/>9 people undermining you, people bullying you. When<br/>10 something would happen in the clerk of courts<br/>11 office, I was -- you know, she'd send -- she would<br/>12 have her attorneys send me letters, threatening to<br/>13 sue me because I wanted to do an investigation<br/>14 where there were things going on in her office<br/>15 that were totally inappropriate.</p> <p>16 Q. Do you believe that the work environment<br/>17 prevented you from doing your job, the director of<br/>18 human resources for the county, to the best of<br/>19 your abilities?</p> <p>20 A. Yes.</p> <p>21 Q. Do you believe that Defendant Bender<br/>22 engaged in conduct that prevented you from fully<br/>23 carrying out your duties as director of HR?</p> <p>24 A. Yes.</p> |
| <p>Page 227</p> <p>1 applied for unemployment, correct?</p> <p>2 A. Not until January of the following year.</p> <p>3 Q. Okay.</p> <p>4 But at some point you did --</p> <p>5 A. Uh-huh.</p> <p>6 Q. -- apply for employment?</p> <p>7 A. Uh-huh.</p> <p>8 Q. Is that correct?</p> <p>9 A. Yes.</p> <p>10 Q. The county contested your unemployment?</p> <p>11 A. Yes.</p> <p>12 Q. And you appealed?</p> <p>13 A. Yes.</p> <p>14 Q. There was eventually a hearing held?</p> <p>15 A. Yes.</p> <p>16 Q. Your reason for application for<br/>17 unemployment, I believe, you sited a hostile work<br/>18 environment?</p> <p>19 A. Yes.</p> <p>20 Q. What can you tell us in your mind was<br/>21 hostile about the work environment?</p> <p>22 A. The way people were treated. Look, I<br/>23 can tell you on my last day, it was extremely<br/>24 hostile. I was told that you can't call it a</p>                                                                                                                                                                                                                                                                                                                                                                       | <p>Page 229</p> <p>1 Q. Do you believe that --</p> <p>2 A. He was my boss. You know, he would tell<br/>3 me, this is the end of this story and that's it, I<br/>4 don't want to hear about it.</p> <p>5 Q. Did Defendant Roth engage in behavior<br/>6 that prevented you from carrying out your duties<br/>7 to the best of your ability?</p> <p>8 A. He was not my supervisor, so he could<br/>9 make a recommendation, but I didn't necessarily<br/>10 have to adhere to what he said. Do I think he<br/>11 undermined me in certain ways? Absolutely.</p> <p>12 Q. Do you think that if he would have -- I<br/>13 don't want to say been on board, but if he had<br/>14 been less -- trying to think how to phrase this.</p> <p>15 If he had engaged -- Defendant Roth had<br/>16 engaged with you more to determine -- to have an<br/>17 interactive discussion about what was best for the<br/>18 county, do you think that that would have<br/>19 benefited the county?</p> <p>20 MS. IPPOLITO: Objection to the<br/>21 form.</p> <p>22 THE WITNESS: That's a hard<br/>23 question because I think in Glenn's mind, his job<br/>24 is to protect the county and it doesn't matter for</p>              |

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| <p>1 it's what's right, wrong, or indifferent. His job<br/>2 is to defend it. Like in this case, his job is to<br/>3 win and he's going to -- and if that means<br/>4 discrediting somebody, if that means doing --<br/>5 whether he agrees with it or not, whether it's<br/>6 right or wrong, whether it's a lie or not. I<br/>7 mean, he flat out told me that to my face. So<br/>8 does that make it hard to do your job? Yeah.<br/>9 Does that make it hard to trust someone? Yes.<br/>10 BY MS. SMITH:<br/>11 Q. Are you familiar with the job duties and<br/>12 responsibilities of the risk manager at the<br/>13 county?<br/>14 A. In the sense that it relates to like<br/>15 Workers' Comp and things like that, yes.<br/>16 Q. Do you believe that Defendant Roth<br/>17 fulfilled his duties of risk manager?<br/>18 A. I feel once he learned of certain<br/>19 things, he had an obligation to report them and he<br/>20 didn't. Again, that's a choice. That's his<br/>21 choice.<br/>22 Q. Do you believe that that choice that you<br/>23 just talked about for Defendant Roth, was<br/>24 actually -- could have been a detriment to the</p> | <p>Page 230</p> | <p>1 A. Chris, what the heck is Chris's last<br/>2 name?<br/>3 Q. Hobbs.<br/>4 A. Hobbs, Chris Hobbs. He made a<br/>5 statement, he said before they started<br/>6 questioning, would I agree that -- that there<br/>7 was -- that the environment -- how did he put it?<br/>8 That the environment of the courthouse -- I don't<br/>9 know that he conceded that it was hostile, but<br/>10 basically the statement that they said was there<br/>11 was nothing they could to change it or effect it.<br/>12 Would I agree with that. I said if you're asking<br/>13 me to agree to that, yes, but the reason I agreed,<br/>14 because I agree. I don't Gary Bender can control<br/>15 his behavior. He can't change it. Even if he<br/>16 wanted to, I don't think he can. He's -- when his<br/>17 anger flairs up, it is uncontrollable.<br/>18 Q. Since your resignation with the county,<br/>19 have you learned of anything that's occurred at<br/>20 the county that you believe is retaliatory towards<br/>21 Jane Doe 3, Jane Doe 4, and Jane Doe 1?<br/>22 MR. LETTRICH: Objection to form.<br/>23 You can answer.<br/>24 BY MS. SMITH:</p> | <p>Page 232</p> |
| <p>1 county?<br/>2 MS. IPPOLITO: Objection to the<br/>3 form.<br/>4 You can answer it.<br/>5 THE WITNESS: Yeah. But I have a<br/>6 different opinion of what is -- a benefit to me, a<br/>7 benefit for the county is to do the right thing no<br/>8 matter it cost. It's not that in every situation<br/>9 the county has to been seen as winning and<br/>10 somebody else loses. No. Whoever is right should<br/>11 win. You do the right thing. And if there's a<br/>12 problem, you fix it. You don't cover it up and,<br/>13 hey, well, I bullied them into giving me -- I<br/>14 bullied them, so I got the win, that's all that<br/>15 matters.<br/>16 BY MS. SMITH:<br/>17 Q. Since your resignation from the<br/>18 county -- I'm sorry. I want to go back to your<br/>19 unemployment.<br/>20 At the appeal hearing of your<br/>21 unemployment, did the county concede and allow you<br/>22 to obtain unemployment compensation?<br/>23 A. Yes. They made a stip.<br/>24 Q. Stipulation?</p>                                                                                                                                                        | <p>Page 231</p> | <p>1 Q. Jane Doe 1 or Ms.<br/>2 A. Yes.<br/>3 Q. Can you tell us what things you can<br/>4 think of that come to mind?<br/>5 A. Yes. I mean, I'm sorry this whole<br/>6 LexusNexis thing, which you read about in the<br/>7 papers, I have had conversations. I think it's<br/>8 total -- pardon me -- bullshit. I think it's<br/>9 retaliatory.<br/>10 Q. You came to work pretty closely with<br/>11 Jane Doe 3 and Jane Doe 4, correct?<br/>12 A. I did.<br/>13 Q. Would you consider them friends?<br/>14 A. Yes. I didn't know them before I<br/>15 started at the courthouse. This were issues in<br/>16 the tax claim office, we worked closely together,<br/>17 employee relation issues. The whole reason that<br/>18 they were promoted to take over both offices is<br/>19 because they did such a great job of cleaning it<br/>20 up. Through that process, yes, we got to know<br/>21 each other, we became friends.<br/>22 Q. Going to work backwards.<br/>23 Starting with the LexusNexis, based off<br/>24 of your relationship with them, Jane Doe 3 and</p>                                                                         | <p>Page 233</p> |

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| <p>Page 234</p> <p>1 Jane Doe 4, do you have any question in your mind<br/>2 as to whether they maliciously searched<br/>3 individuals or information using their LexusNexis<br/>4 credentials?<br/>5 MS. IPPOLITO: Objection.<br/>6 MR. LETTRICH: Objection to form.<br/>7 You can answer.<br/>8 THE WITNESS: Okay. Now, I have --<br/>9 with the way you asked that, I will just say, no,<br/>10 I do not believe they did have malicious intent.<br/>11 I don't even believe they did any searches that<br/>12 weren't necessary. Well, I can't say that<br/>13 totally. No, I don't believe there was malicious<br/>14 intent. I don't believe they essentially did<br/>15 anything wrong. I would trust them. I just<br/>16 would.<br/>17 BY MS. SMITH:<br/>18 Q. I'm going to represent to you, and it's<br/>19 going to be brought out in discovery so everyone<br/>20 will find out, that Jane Doe 4 has informed<br/>21 investigators that she may have searched some<br/>22 individuals to send thank you cards for<br/>23 individuals who wished their condolences on her<br/>24 mother who had passed.</p> | <p>Page 236</p> <p>1 Q. Who is this director?<br/>2 A. Lisa Stevens.<br/>3 Q. You said she falsified records?<br/>4 A. So in children and youth, they have<br/>5 duties -- they have -- somebody is on call all the<br/>6 time. Certain supervisors didn't want to,<br/>7 didn't -- didn't -- I don't know if they didn't<br/>8 want to, they couldn't. They didn't want to work<br/>9 overtime. Lisa would offer -- in her own words,<br/>10 she offered to do the overtime for them, but she<br/>11 wanted to receive the pay. She had gone to, I<br/>12 believe, Gary Bender -- maybe it was before Gary<br/>13 Bender, it might have been Mark, I don't know<br/>14 which one she had gone to, asked about getting<br/>15 overtime if she -- getting the pay if she did the<br/>16 work. She was told no. Actually, I think it was<br/>17 Gary Bender.<br/>18 In the end what happened was she ended<br/>19 up doing the work. The people who were on the<br/>20 schedule put it on their time sheet, she signed<br/>21 off on it. She then -- they then paid her in cash<br/>22 for the time that she worked for them.<br/>23 Q. The county was aware of this?<br/>24 A. We became aware of it. We did an</p> |
| <p>Page 235</p> <p>1 A. Okay.<br/>2 Q. If you as HR director had learned that<br/>3 that was what she did, that she sent thank yous to<br/>4 people who had sent their condolences after her<br/>5 mother died, do you believe that a year suspension<br/>6 would be warranted?<br/>7 A. No.<br/>8 MR. LETTRICH: Objection to form.<br/>9 You can answer.<br/>10 THE WITNESS: Oh, sorry. No.<br/>11 Look, I can tell you -- okay. Let me ask you all<br/>12 a question. Sending -- using a system to get<br/>13 addresses to send condolences, a year suspension<br/>14 without pay. I can tell you, and this happened<br/>15 while I was there, we had a director of a<br/>16 department falsify payroll records, collect money<br/>17 under the table, signed off on her direct reports<br/>18 falsifying, and she received a 15-day suspension.<br/>19 Are you kidding me?<br/>20 BY MS. SMITH:<br/>21 Q. Was she put up for termination?<br/>22 A. No. Absolutely not.<br/>23 Q. Was she put up for termination twice?<br/>24 A. No.</p>                                                                           | <p>Page 237</p> <p>1 investigation. And the result of that was she had<br/>2 a 15-day suspension.<br/>3 Q. Was Glenn Roth involved in that at all?<br/>4 A. Yes.<br/>5 Q. So Glenn Roth was aware that an<br/>6 individual employee in children and youth stole<br/>7 time --<br/>8 A. Yes.<br/>9 Q. -- and that she was only suspended for<br/>10 15 days?<br/>11 A. It was an evening commissioner -- I can<br/>12 tell you the people sitting around that table,<br/>13 Frank Staudenmeier, Gary Hess, George Halcovage,<br/>14 Glenn Roth, Al Marshall, myself. Did I say Gary<br/>15 Bender? I think that was all. I don't know<br/>16 whether the clerk of courts was there or the -- I<br/>17 don't know whether Linda Dietrich was there.<br/>18 Probably not because it was probably an executive<br/>19 session.<br/>20 Q. Is children and youth funded in anyway<br/>21 by state grants?<br/>22 A. Yes.<br/>23 Q. So would her theft of time be theft of<br/>24 state funding for the county?</p>                                                                                                                                                                                                       |



| Page 238                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                          | Page 240                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                      |
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| <p>1 MR. LETTRICH: Objection to form.</p> <p>2 You can answer.</p> <p>3 THE WITNESS: Yes, I guess it would</p> <p>4 have been.</p> <p>5 BY MS. SMITH:</p> <p>6 Q. Is she still employed by the county?</p> <p>7 A. To my knowledge. Sorry. If that gets</p> <p>8 15 days and you -- really, try and tell me that's</p> <p>9 not retaliatory. I'm sorry. My opinion.</p> <p>10 Q. Understood.</p> <p>11 Going back to when you were working at</p> <p>12 the county, it was when you were there that the</p> <p>13 offices of tax claim and tax assessment were</p> <p>14 combined, correct?</p> <p>15 A. Yes.</p> <p>16 Q. Were you aware of, I want to call it, a</p> <p>17 gentleman's agreement or statement by then</p> <p>18 Commissioner Staudenmeier that if these offices</p> <p>19 were to ever be disbanded, Jane Doe 3 would, in</p> <p>20 fact, remain in tax assessment?</p> <p>21 A. I'm aware of what you're talking about.</p> <p>22 It was -- when you say a gentleman's agreement</p> <p>23 with Commissioner Staudenmeier, it was discussed</p> <p>24 numerous times with Commissioner Halcavage,</p>                                          | <p>1 A. Yes.</p> <p>2 Q. Before she became chief assessor?</p> <p>3 A. I don't remember that timeline. I</p> <p>4 know -- I remember her going for classes. I</p> <p>5 remember her coming down and studying, but whether</p> <p>6 it was before or after, I don't recall. Sorry.</p> <p>7 Q. It's okay.</p> <p>8 But in any event, was your understanding</p> <p>9 that part of the reason that Jane Doe 3 was to</p> <p>10 remain in tax assessment if the offices were ever</p> <p>11 split again was because the county was investing</p> <p>12 in getting her a CPE license?</p> <p>13 A. Yes.</p> <p>14 Q. This is because -- do you understand</p> <p>15 that CPE licenses are --</p> <p>16 A. Few and far between, yes.</p> <p>17 Q. Hard to find individuals who hold them?</p> <p>18 A. Yes. Yes.</p> <p>19 Q. So did you come to understand that</p> <p>20 shortly after you left the county, the offices</p> <p>21 were disbanded?</p> <p>22 A. Yes. I read that in the paper as well.</p> <p>23 Q. Do you know that Jane Doe 3, with her</p> <p>24 CPE license, was put into the position --</p> |
| Page 239                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                          | Page 241                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                      |
| <p>1 Commissioner Staudenmeier, I am not sure if</p> <p>2 Commissioner Hess was included in on that, but he</p> <p>3 may have been.</p> <p>4 Q. Hetherington replaced him?</p> <p>5 A. Right.</p> <p>6 Q. Okay.</p> <p>7 A. Myself, Gary Bender, Glenn Roth, that</p> <p>8 if -- because there was certain -- I think</p> <p>9 Staudenmeier had concerns about whether this would</p> <p>10 work, combining the offices, because it had been</p> <p>11 tried in the past and didn't work. It was made</p> <p>12 very clear, and in particular too, it was made</p> <p>13 very clear to Jane Doe 3 and Jane Doe 4, that if</p> <p>14 in fact, it didn't work, Jane Doe 3 could not go</p> <p>15 back to tax claim. She had to stay in tax</p> <p>16 assessment and Jane Doe 4 would then do tax claim.</p> <p>17 I know I reviewed it with each of them before the</p> <p>18 move was made.</p> <p>19 Q. As I understand it, chief assessor</p> <p>20 position requires by law, that the individual hold</p> <p>21 a CPA license?</p> <p>22 A. That's my understanding.</p> <p>23 Q. Did Jane Doe 3 obtain a CPA license to</p> <p>24 become a chief assessor?</p> | <p>1 A. I read that in the paper as well.</p> <p>2 Q. -- director of tax claims?</p> <p>3 A. Yes.</p> <p>4 Q. And Jane Doe 4, who did not hold a CPE</p> <p>5 license, was put in -- left in assessment as the</p> <p>6 assistant chief assessor?</p> <p>7 A. Okay. I don't know whether I recall</p> <p>8 reading that or not.</p> <p>9 Q. As HR director, someone who works with</p> <p>10 staffing and people who hold the requisite</p> <p>11 requirements and licenses, would that make any</p> <p>12 sense to you?</p> <p>13 A. No.</p> <p>14 MR. LETTRICH: Objection to form.</p> <p>15 You can answer.</p> <p>16 BY MS. SMITH:</p> <p>17 Q. Can you think of any reason why they</p> <p>18 would -- why the county, if they broke apart the</p> <p>19 offices, would structure them in that nature, but</p> <p>20 Jane Doe 3 in tax claims and Jane Doe 4 in tax</p> <p>21 assessment?</p> <p>22 A. Yeah. But my reason is it's</p> <p>23 retaliation.</p> <p>24 Q. Would in your --</p>                                                                                                              |



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| <p>Page 242</p> <p>1 A. But that's just my opinion, personal<br/>2 opinion.</p> <p>3 Q. Can you think of any reason other than<br/>4 that?</p> <p>5 A. Any professional, no. It doesn't make<br/>6 sense. Why would you take the person who has the<br/>7 certification, who was restructuring the office,<br/>8 getting it back to where it needed to be, why<br/>9 would you do that. Because somebody looked up an<br/>10 address to send a card for -- no, it doesn't make<br/>11 sense.</p> <p>12 Q. Were you present -- did you work in the<br/>13 county when Virginia Murray tried out the dual<br/>14 role for a brief period of time?</p> <p>15 A. No. I worked there when Ginny was<br/>16 there, but not when she was dual role.</p> <p>17 Q. Do you know if -- do you know of any<br/>18 similar circumstances of removal of duties by the<br/>19 county, such as the ones -- the votes they took on<br/>20 Jane Doe 4 and Jane Doe 3?</p> <p>21 A. I'm not sure what you're asking.</p> <p>22 Q. So Jane Doe 4 and Jane Doe 3 had duties<br/>23 removed from them.</p> <p>24 A. Right.</p>                                                               | <p>Page 244</p> <p>1 THE WITNESS: No.</p> <p>2 BY MS. SMITH:</p> <p>3 Q. Can you tell me what you used to come to<br/>4 the conclusion that that was not justifiable?</p> <p>5 A. Because there's no solid basis for it.<br/>6 I mean, really if what they did was one person<br/>7 used a system to send someone --</p> <p>8 Q. Let me stop you there.<br/>9 I'm going to represent to you that Jane<br/>10 Doe 3 and Jane Doe 4 were -- the offices were<br/>11 restructured in March.</p> <p>12 A. Of what year?</p> <p>13 Q. Of 2021.</p> <p>14 A. Okay.</p> <p>15 Q. They were suspended indefinitely without<br/>16 pay in September of 2021. That suspension was for<br/>17 the LexusNexis.</p> <p>18 A. Okay.</p> <p>19 Q. I will represent to you that there's<br/>20 been testimony in this case that the catalyst for<br/>21 their demotions was because STEB reports were not<br/>22 being submitted in accordance with state<br/>23 guidelines.</p> <p>24 A. Okay.</p>                                                                                                                   |
| <p>Page 243</p> <p>1 Q. When the offices were disbanded.</p> <p>2 A. Okay.</p> <p>3 Q. Are you familiar with any --</p> <p>4 A. Duties that -- I mean, I know before I<br/>5 got there risk management was under HR. I don't<br/>6 know why that changed, but it did change and it<br/>7 went to Solicitor Roth before I got there. Trying<br/>8 to think, were there other -- I know at one point<br/>9 they tried to split the HR specialist position so<br/>10 that she could move to a different position and<br/>11 take half her job with her and they tried to do it<br/>12 behind my back, that was not real pleasant. So<br/>13 it's not that it hasn't been done, but to this<br/>14 extent, no.</p> <p>15 Q. I guess what I'm trying to find out is<br/>16 what your feeling are as the former HR director<br/>17 regarding not only the restructuring, but the fact<br/>18 that the county along with it decided to cut Jane<br/>19 Doe 3 and Jane Doe 4's pays.</p> <p>20 Do you believe that was justifiable, given<br/>21 county policies and past practices?</p> <p>22 A. No.</p> <p>23 MR. LETTRICH: Objection to form.</p> <p>24 You can answer.</p> | <p>Page 245</p> <p>1 Q. So if I represent that that was the<br/>2 reason for the restructuring or at least part of<br/>3 the reason, catalyst for it, would that change<br/>4 your mind regarding their -- the restructuring of<br/>5 those two offices?</p> <p>6 MR. LETTRICH: Again, objection to<br/>7 form.</p> <p>8 You can answer.</p> <p>9 THE WITNESS: I would want to know<br/>10 more details about what you're talking about.</p> <p>11 BY MS. SMITH:</p> <p>12 Q. When you worked at the county, did you<br/>13 have any questions about the operations of the tax<br/>14 claim and tax assessment offices?</p> <p>15 A. No.</p> <p>16 Q. Do you believe that they operated<br/>17 optimally?</p> <p>18 A. Tax claim, yes. Tax assessment, I<br/>19 think -- like I said, I can tell you management<br/>20 was not happy with how Virginia Murray was running<br/>21 it. And the reason that Jane Doe 3 was put in<br/>22 place was because she did such a good job at<br/>23 turning around tax claim. Do I think it ran much<br/>24 better, at least the time when I was there when</p> |

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| <p style="text-align: right;">Page 246</p> <p>1 Jane Doe 3 took over, yes, I do. I know that for<br/>2 a fact. I know by talking to the employees.<br/>3 Did I answer your question?<br/>4 Q. You did. Thank you.<br/>5 To your knowledge, has there ever been<br/>6 an indefinite unpaid suspension for greater than<br/>7 one year in county history?<br/>8 A. There has never been more than the 15<br/>9 days that I was involved with.<br/>10 Q. Even if you weren't involved, are you<br/>11 aware of any --<br/>12 A. No.<br/>13 Q. -- that you weren't involved that were<br/>14 greater than 15 days?<br/>15 A. No.<br/>16 Q. You're pretty well versed in labor laws<br/>17 at this point, would you say?<br/>18 A. Yes.<br/>19 Q. Are you familiar with laws of regulation<br/>20 regarding unpaid suspensions?<br/>21 A. To some extent, yes.<br/>22 Q. Are you aware that they require that the<br/>23 individual engaged in serious misconduct?<br/>24 A. Oh, yeah. Yeah.</p>                                                                                      | <p style="text-align: right;">Page 248</p> <p>1 in paperwork, my name appeared, but I did the<br/>2 investigation.<br/>3 BY MS. SMITH<br/>4 Q. What do you mean by independently?<br/>5 A. Sorry. If you could do it objectively.<br/>6 If you could do it and be objective.<br/>7 Q. Do you think -- go ahead. I'm sorry.<br/>8 A. I believe I was objective when I went<br/>9 through all these questions with everybody, in<br/>10 particular with Jane Doe 1 and with George. And<br/>11 honestly I had a closer relationship with George<br/>12 than I did with Jane Doe 1 when all of this<br/>13 happened, but I still believe I did my job<br/>14 objectively and however it turned out, it turned<br/>15 out. I didn't let any personal feelings get in<br/>16 the way of it.<br/>17 I don't -- if they could have done that,<br/>18 because again, my name did appear on -- I have<br/>19 letters from your office that have my name on it<br/>20 as well. So to say that they shouldn't have, if<br/>21 they could do it objectively, should they have<br/>22 excused -- yes. Should I have excused? Yes. Did<br/>23 I think about it at that time? No, because I did<br/>24 my job.</p> |
| <p style="text-align: right;">Page 247</p> <p>1 Q. From what you know, do you believe that<br/>2 Jane Doe 3 and/or Jane Doe 4 engaged in serious<br/>3 misconduct?<br/>4 MR. LETTRICH: Objection to form.<br/>5 You can answer.<br/>6 THE WITNESS: You too?<br/>7 MS. IPPOLITO: As long as one of us<br/>8 gets it done.<br/>9 THE WITNESS: No, I don't believe<br/>10 that this is justified.<br/>11 BY MS. SMITH:<br/>12 Q. Given your training and experience both<br/>13 with the county, before the county in HR, do you<br/>14 believe that any of the named defendants, Defender<br/>15 Roth, Halcovage, Zula, or Kutzer, once they were<br/>16 named as respondents in an EEOC investigation,<br/>17 that they should have engaged in any investigation<br/>18 regarding complaints by Jane Doe 3, Jane Doe 4,<br/>19 Jane Doe 2, or Jane Doe 1?<br/>20 MR. LETTRICH: Same objection.<br/>21 You can answer.<br/>22 THE WITNESS: If they could not do<br/>23 it independently, then they should have excused<br/>24 themselves. I say this because I think initially</p> | <p style="text-align: right;">Page 249</p> <p>1 Q. Do you think that -- strike that.<br/>2 If the individuals who were raising<br/>3 issues, complaints of discrimination or<br/>4 retaliation, made it known that they did not feel<br/>5 the investigator, whether it be HR, Bender, Roth,<br/>6 could be objective, do you think then that the<br/>7 individual in question should have excused<br/>8 themselves from involvement?<br/>9 MR. LETTRICH: Same objection.<br/>10 THE WITNESS: Can you repeat it? I<br/>11 didn't follow it all.<br/>12 BY MS. SMITH:<br/>13 Q. Let's say Jane Doe 3 and Jane Doe 4<br/>14 raised an issue of retaliation.<br/>15 A. Yes.<br/>16 Q. And an individual -- they raised the<br/>17 issue of retaliation to HR, so let's say Heidi<br/>18 Zula. And they -- Jane Doe 3 and Jane Doe 4 in<br/>19 raising the issue, say we don't believe that you,<br/>20 Ms. Zula, can be impartial and we have concerns?<br/>21 A. Oh, then absolutely. She should have<br/>22 excused herself and there should have been an<br/>23 independent investigation, absolutely.<br/>24 Q. Do you believe that the county policies</p>                                        |

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| <p>Page 250</p> <p>1 allow or have a structure in place for third-party<br/>2 investigators?</p> <p>3 MR. LETTRICH: Same objection.<br/>4 Please go ahead.</p> <p>5 THE WITNESS: I don't remember what<br/>6 the county policy -- I mean, I would hope, but I<br/>7 would think it's common sense that if someone is<br/>8 claiming retaliation -- you know, but I have been<br/>9 doing this for 30 years, so...</p> <p>10 BY MS. SMITH:<br/>11 Q. If an individual raised an issue of<br/>12 retaliation and/or discrimination to you as HR the<br/>13 director at the county and they had asked for an<br/>14 independent witness to be present, would you have<br/>15 an issue with that?</p> <p>16 MR. LETTRICH: Objection to form.<br/>17 You can answer it.</p> <p>18 THE WITNESS: Okay. I am going to<br/>19 say this, I guess it would depend. And I say that<br/>20 because I can remember a time that I actually had<br/>21 an issue -- Jane Doe 3 had an issue with tax claim<br/>22 and the individual wanted her husband, who also<br/>23 worked at the county, to be her independent<br/>24 witness that she was entitled to under a union</p>                             | <p>Page 252</p> <p>1 MS. IPPOLITO: Objection.<br/>2 THE WITNESS: Yes. I mean, there<br/>3 is already a lawsuit going on. Why wouldn't you<br/>4 want to have that -- yes, because I would have<br/>5 nothing to hide.</p> <p>6 BY MS. SMITH:<br/>7 Q. If they simply asked for it to be -- to<br/>8 record it, to memorialize the truth of what<br/>9 occurred instead of having a witness present,<br/>10 would that have bothered you?</p> <p>11 MS. IPPOLITO: Objection to the<br/>12 form.</p> <p>13 THE WITNESS: It might have. I<br/>14 don't like the idea of the recording, but I know<br/>15 in today's day and age, it's more common than it<br/>16 was 30 years ago when I started in HR.</p> <p>17 MS. SMITH: I'm going to take a<br/>18 break real quick, just going to chat with my<br/>19 clients and chat the other attorneys. So if you<br/>20 need to use the restroom, we can go off the<br/>21 record.<br/>22 - - -<br/>23 (Whereupon brief recess was held off the<br/>24 record at 3:22 p.m.)</p> |
| <p>Page 251</p> <p>1 contract. We both agreed no, no, no. Your<br/>2 husband cannot sit in on this with you. You can<br/>3 have your union steward, you can have whoever. Sp<br/>4 it would depend on the situation. But, I mean, as<br/>5 long as it wasn't that kind of situation, I<br/>6 wouldn't have an issue with it.</p> <p>7 BY MS. SMITH:<br/>8 Q. In fact, when you interviewed Jane Doe<br/>9 1, you invited or allowed me to participate,<br/>10 correct?</p> <p>11 A. Yes. Absolutely. Yeah. That's what I<br/>12 was just going to say, if in fact, one of them<br/>13 said I would like my attorney to be here, I would<br/>14 have allowed it. I would not have had a problem.</p> <p>15 Q. So if you had remained employed by the<br/>16 county as HR director, post the finding of the<br/>17 federal litigation, so plaintiffs and defendants,<br/>18 there being an actual lawsuit and one of the<br/>19 plaintiffs in the matter had an issue and wanted<br/>20 their attorney present when discussing it with the<br/>21 county employees, including HR, would you have<br/>22 allowed that?</p> <p>23 MR. LETTRICH: Objection to form.<br/>24 You can answer.</p> | <p>Page 253</p> <p>1 - - -<br/>2 BY MS. SMITH:<br/>3 Q. Ms. Twigg, we just took a break. I came<br/>4 back and you wanted to let me know that there was<br/>5 something different about these two reports.</p> <p>6 A. Yes.<br/>7 Q. I am talking about Exhibit-84 and<br/>8 Exhibit-70.<br/>9 What is it that you saw is different?</p> <p>10 A. This stops here, this goes on.<br/>11 Q. So on 84, there's the additional -- it's<br/>12 22B.<br/>13 You said, do you recall leaning up and<br/>14 asking if you could blow on my neck.</p> <p>15 A. Uh-huh.<br/>16 Q. And he -- that's the no?<br/>17 A. Uh-huh.</p> <p>18 MS. IPPOLITO: Sorry. You're on<br/>19 the --<br/>20 MS. SMITH: Sorry, guys. Last page<br/>21 of 84 is where the additional content is that's<br/>22 not --<br/>23 BY MS. SMITH:<br/>24 Q. On Exhibit 70, which was produced by the</p>                                                                                                                                                    |

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| <p>1 county and ends at no and then there's a C, but no<br/> 2 answer. On your production it says, no, I believe<br/> 3 he said absolutely not. I looked at him, that's<br/> 4 you looking at Defendant Halcovage?<br/> 5 A. Uh-huh.<br/> 6 Q. Is that a yes?<br/> 7 A. Yes. Sorry.<br/> 8 Q. And you write, actually I think I was<br/> 9 glaring and said, you and I both know that you<br/> 10 said this. His attorney became -- again became<br/> 11 angry. I told him that was my last question. He<br/> 12 and George abruptly left.<br/> 13 The additional content on 84, is that<br/> 14 what happened?<br/> 15 A. Yes.<br/> 16 Q. Do you know why it's not in this<br/> 17 exhibit?<br/> 18 A. No.<br/> 19 Q. Did you remove it at any point?<br/> 20 A. No, because I made a point of putting it<br/> 21 in there.<br/> 22 Q. This was typed as you conducted the<br/> 23 interviews, at least the second one with George?<br/> 24 A. Yes.</p> | Page 254 | <p>1 A. Yes.<br/> 2 Q. Are you aware that Mike Van Allen was<br/> 3 caught in a bathroom rubbing a customer's<br/> 4 shoulders?<br/> 5 A. Yes, because that individual called me<br/> 6 at -- I was at home and he called on my county<br/> 7 cell phone. Yes, I know exactly what you're<br/> 8 talking about.<br/> 9 Q. It wasn't a county employee, right?<br/> 10 A. No. It was someone who was in the<br/> 11 courthouse.<br/> 12 MS. IPPOLITO: Sorry. When you<br/> 13 said he's not a county employee, are we talking<br/> 14 about the person who did the reporting or the<br/> 15 person who is being rubbed?<br/> 16 THE WITNESS: The person who is<br/> 17 doing the reporting is the same person who was<br/> 18 rubbed in the bathroom.<br/> 19 MS. IPPOLITO: Okay. Gotcha.<br/> 20 THE WITNESS: Or touched in the<br/> 21 bathroom.<br/> 22 BY MS. SMITH:<br/> 23 Q. And the person doing the touching was<br/> 24 Mike Van Allen, who was a county employee?</p>                                                                                                                                                        | Page 256 |
| <p>1 Q. It's not like you had a draft?<br/> 2 A. No.<br/> 3 Q. And added stuff?<br/> 4 A. No, not at the end of the questions.<br/> 5 Q. Ms. Twigg, I want to take you back to<br/> 6 the suspensions.<br/> 7 A. Okay.<br/> 8 Q. As I indicated to you, Jane Doe 3 and<br/> 9 Jane Doe 4 have been on unpaid suspension for just<br/> 10 over -- well, I guess it's just about a year and a<br/> 11 month now, unpaid.<br/> 12 Are you aware of a Mike -- I can't even<br/> 13 read my own handwriting -- Mike Van Allen?<br/> 14 A. Yes.<br/> 15 Q. Did Mike Van Allen?<br/> 16 A. Yes.<br/> 17 Q. Did Mike Van Allen do something to<br/> 18 warrant a suspension?<br/> 19 A. While I was there?<br/> 20 Q. Let's start with this: Was Mike Van<br/> 21 Allen a county employee at some point?<br/> 22 A. Yes.<br/> 23 Q. Was he a county employee when you were<br/> 24 there?</p>                                                                    | Page 255 | <p>1 A. Yes. Yes.<br/> 2 Q. So you get a call on your county cell<br/> 3 phone after hours?<br/> 4 A. No. It was during the day. I don't<br/> 5 know if I was home for lunch or if I was just home<br/> 6 that day.<br/> 7 Q. Okay.<br/> 8 A. But it was during the day, yes, and I<br/> 9 got a call.<br/> 10 Q. What did this person tell you?<br/> 11 A. Basically that he had been in the<br/> 12 courthouse for some other reason, I don't know if<br/> 13 he went into a courtroom for something. He had<br/> 14 passed Mike Van Allen in the hallway. I think he<br/> 15 had asked where the restroom was. Mike had given<br/> 16 him directions. Very shortly after the individual<br/> 17 walked in the restroom, they said that Mike Van<br/> 18 Allen came into the restroom as well.<br/> 19 I believe there was another guy in<br/> 20 there, God bless him, the guy is now passed away,<br/> 21 so sorry. Mario was in the restroom. Mario was<br/> 22 just leaving. Mike Van Allen and -- Mario was<br/> 23 like 80-plus years, 85 or something. Mike Van<br/> 24 Allen had made a statement about the guy being so</p> | Page 257 |



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| <p>Page 258</p> <p>1 old and he should be retired. The individual who</p> <p>2 was there made a statement that -- that his</p> <p>3 parents retired early and it sort of caused them</p> <p>4 their mental capacity disorder -- decline.</p> <p>5 Anyway, Mike Van Allen then touched him</p> <p>6 in a way that -- I can't tell you exactly how it</p> <p>7 was, something with the pinky finger or something,</p> <p>8 that implied he would be looking for a hook up</p> <p>9 with another guy. And the guy took this very</p> <p>10 offensive and ended up calling me.</p> <p>11 Q. Did you speak with Mike Van Allen about</p> <p>12 it?</p> <p>13 A. Yes, I did.</p> <p>14 Q. What was --</p> <p>15 A. He denied it.</p> <p>16 Q. What, if any, disciplinary action was</p> <p>17 taken against Mike Van Allen?</p> <p>18 A. I don't remember.</p> <p>19 Q. Do you know if he was suspended for a</p> <p>20 year?</p> <p>21 A. No. I don't even know that he was</p> <p>22 suspended for a day.</p> <p>23 Q. Was he terminated?</p> <p>24 A. No. He was still there. He's a union</p> | <p>Page 260</p> <p>1 A. Yes.</p> <p>2 Q. It's my understanding she got a fishing</p> <p>3 e-mail or something saying to change his --</p> <p>4 A. She got -- so -- yes. She had gotten an</p> <p>5 e-mail. I had gone over to see Gary about</p> <p>6 something. I was sitting in his office and he got</p> <p>7 a phone call from Heather, who was the HR</p> <p>8 specialist that worked for me. And he had said --</p> <p>9 he picked -- he said it was her, he picked it up,</p> <p>10 they had a conversation, and he hung up. And I</p> <p>11 said what was that about. He said, oh, something</p> <p>12 about, you know, she said that I had gotten -- you</p> <p>13 know, that she completed the request for changing</p> <p>14 my banking information. I am like what are you</p> <p>15 talking about. And he said I didn't send her a</p> <p>16 request for change?</p> <p>17 And I said, we need to look at that. He</p> <p>18 said no, we don't. I said, well, not if you don't</p> <p>19 mind your paycheck going to someone else. And he</p> <p>20 looked at me and I said don't you -- and I heard</p> <p>21 about these things in the news.</p> <p>22 And so I said, look, she just changed</p> <p>23 your bank account. Like, your paycheck is going</p> <p>24 to go to this new bank account. Well, then he</p> |
| <p>Page 259</p> <p>1 member and I know I spoke with the union business</p> <p>2 agent about it. He may have received -- I don't</p> <p>3 remember. He may have gotten a warning, he may</p> <p>4 have gotten a one day. He might have gotten a one</p> <p>5 day.</p> <p>6 Q. Okay.</p> <p>7 A. I don't remember.</p> <p>8 Q. But definitely not a year?</p> <p>9 A. No. No. No.</p> <p>10 Q. Do you know, did Defendant Halcovage,</p> <p>11 Roth, or Bender know about this?</p> <p>12 A. Well, I'm sure I told Bender for sure</p> <p>13 because we met every day at 4:00 and I remember</p> <p>14 telling him.</p> <p>15 I don't recall if -- I'm assuming they</p> <p>16 did, but I don't recall. It was known, certainly</p> <p>17 the county administrator knew it.</p> <p>18 Q. Speaking about that County Administrator</p> <p>19 Mr. Bender, did there come a time when there was</p> <p>20 an issue with his bank account being changed by</p> <p>21 Heather Garrity?</p> <p>22 A. Yes. Sorry. Yes.</p> <p>23 Q. Did Defendant Bender come to learn of</p> <p>24 this?</p>        | <p>Page 261</p> <p>1 realized that part of his pay, he puts a certain</p> <p>2 amount into his daughter's bank account, so she</p> <p>3 changed her bank account, he changed his bank</p> <p>4 account. We sent it to the district attorney. He</p> <p>5 looked into it. It turned out the bank would have</p> <p>6 been somewhere, I think, in Delaware was where it</p> <p>7 would have ended up.</p> <p>8 I -- and I wanted to take disciplinary</p> <p>9 action. At first he was angry, but he was fond of</p> <p>10 Heather. So at some point, he was not even going</p> <p>11 to let me discipline her. And his daughter works</p> <p>12 for the state in HR. I told him, do me a favor,</p> <p>13 before you make this decision, please call your</p> <p>14 daughter and see what she would do. So he did and</p> <p>15 then he came back and said that he would allow me</p> <p>16 to proceed with giving her a written warning for</p> <p>17 this.</p> <p>18 Q. So she wasn't suspended?</p> <p>19 A. No. And it was made very clear I could</p> <p>20 not suspend her.</p> <p>21 Q. Did Defendant Bender often reach out to</p> <p>22 his daughter for HR --</p> <p>23 A. Yes.</p> <p>24 Q. -- advice?</p>                                                                                                              |



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| <p>Page 262</p> <p>1 A. Yes.</p> <p>2 Q. Would you say it was when he disagreed</p> <p>3 with your advice?</p> <p>4 A. I would say it was when he was trying to</p> <p>5 verify whether what I was saying was appropriate</p> <p>6 or accurate or...</p> <p>7 Q. His daughter didn't work for the county,</p> <p>8 correct?</p> <p>9 A. No. She worked for the state.</p> <p>10 Q. Are you aware or have any information</p> <p>11 that Defendant Bender provided -- strike that.</p> <p>12 Are you aware or do you have any</p> <p>13 information that Defendant Bender had the county</p> <p>14 or that the county provided his daughter a stipend</p> <p>15 for that advice?</p> <p>16 A. No.</p> <p>17 Q. Would the county be permitted to provide</p> <p>18 a state employee with a stipend for HR advice?</p> <p>19 MR. LETTRICH: Objection to the</p> <p>20 form.</p> <p>21 But you can answer.</p> <p>22 THE WITNESS: I suppose if they had</p> <p>23 a written contract with somebody who had a</p> <p>24 business. It would have to be voted on. I guess</p>                                                                                 | <p>Page 264</p> <p>1 \$17 million, thousand dollars, whichever it was.</p> <p>2 Q. 17 million, yeah.</p> <p>3 A. Yeah.</p> <p>4 Q. Did you work at the county when that</p> <p>5 error was made?</p> <p>6 A. I don't know.</p> <p>7 Q. Do you know if Ms. Murray was suspended</p> <p>8 at all for that error?</p> <p>9 A. I don't know that Ms. Murray was</p> <p>10 suspended any time that I was there. No, she</p> <p>11 wasn't. So if, in fact, it happened while I was</p> <p>12 there, then, no, she wasn't suspended for it. It</p> <p>13 certainly wasn't something I did an investigation</p> <p>14 on, that I can tell you.</p> <p>15 Q. Any other instances or individuals who</p> <p>16 engaged in behavior that you can think of that was</p> <p>17 more egregious then what you believe my clients</p> <p>18 did regarding LexusNexis, was there was no or less</p> <p>19 suspension issue?</p> <p>20 MR. LETTRICH: Objection to the</p> <p>21 form.</p> <p>22 But you can answer.</p> <p>23 THE WITNESS: I mean, the worst I</p> <p>24 already -- the one with Lisa. I mean, not that I</p>                                         |
| <p>Page 263</p> <p>1 they could do that if they choose to, just like</p> <p>2 they hire any other independent contractor.</p> <p>3 BY MS. SMITH:</p> <p>4 Q. But it would be something that would</p> <p>5 need to be written, voted on in front of the</p> <p>6 public, and not in violation of the Sunshine Act?</p> <p>7 MR. LETTRICH: Objection to the</p> <p>8 form.</p> <p>9 You can answer.</p> <p>10 THE WITNESS: I would say yes to</p> <p>11 most of that. I believe there is some sort of</p> <p>12 document that any contracts that are under -- at</p> <p>13 the time it was under \$10,000, were just on a</p> <p>14 list. And in a meeting, they would vote on</p> <p>15 contracts on whatever this list was called and it</p> <p>16 would just -- and they, I believe, all had copies</p> <p>17 of what those contracts were.</p> <p>18 BY MS. SMITH:</p> <p>19 Q. We spoke earlier about Ms. Murray and an</p> <p>20 error she made regarding the annual certification</p> <p>21 of repository sales?</p> <p>22 A. Okay.</p> <p>23 Q. Do you recall speaking about that error?</p> <p>24 A. The one where you said there was like</p> | <p>Page 265</p> <p>1 can think of off the top of my head.</p> <p>2 BY MS. SMITH:</p> <p>3 Q. Let's go with suspensions. Can you</p> <p>4 think of any other suspensions?</p> <p>5 A. Yes. We had -- we had -- Randy Nigh had</p> <p>6 been suspended. There was an incident actually</p> <p>7 that involved Jane Doe 4 that he -- I don't know</p> <p>8 if he said something to her, touched her back,</p> <p>9 something, and it was right about the time this</p> <p>10 whole thing started. And he was suspended without</p> <p>11 pay, I believe, for ten days.</p> <p>12 I know there were -- the young woman in</p> <p>13 tax -- the woman in tax claim, I forget what she</p> <p>14 did. She was suspended for three days.</p> <p>15 Q. Do you know who that was?</p> <p>16 A. Yeah. Pam.</p> <p>17 Q. Beidle?</p> <p>18 A. Yeah. Pam Beidle.</p> <p>19 Q. Are there any times that you can think</p> <p>20 of where someone should have been suspended and</p> <p>21 was not?</p> <p>22 A. I think Heather should have been</p> <p>23 suspended for that -- the HR specialist who</p> <p>24 changed the county administrator's checking</p> |

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| <p>1 account. Not that I can think of off the top of<br/>2 may head.<br/>3 Q. Are you familiar with the county's or<br/>4 what was the county's social media policy at the<br/>5 time you were employed?<br/>6 A. Yes.<br/>7 Q. Do you believe that -- let's start with<br/>8 this: Do you know who Linda Marchalk is?<br/>9 A. Yes.<br/>10 Q. Do you believe if Linda Marchalk went on<br/>11 Step Up To The Mic, a local radio show, and made<br/>12 comments about the operations of county offices,<br/>13 that that would violate the social media policy?<br/>14 MR. LETTRICH: Objection to form.<br/>15 You can answer.<br/>16 THE WITNESS: I -- I would have to<br/>17 look at the social media policy to answer that. I<br/>18 would think it certainly would -- would not be<br/>19 appropriate, I'll tell you that. It certainly<br/>20 would -- yeah, I just wouldn't think it's<br/>21 appropriate, that's for sure.<br/>22 BY MS. SMITH:<br/>23 Q. Do you think it would warrant<br/>24 discipline?</p>                                                                                                                                                                                       | <p>Page 266</p> <p>1 Hess asked for certain statistics and Commissioner<br/>2 Staudenmeier asked for certain statistics. And I<br/>3 know this because Gary Bender told me. And he<br/>4 made the statement, if you think I gave<br/>5 Commissioner Hess the same information I gave to<br/>6 Commissioner Staudenmeier, you would be mistaken.<br/>7 He said he knows how to manipulate numbers to make<br/>8 them say what he wants them to say and he told me<br/>9 that himself.<br/>10 Q. Do you believe that Defendant Bender on<br/>11 any other occasions, left Commissioner -- let's<br/>12 strike that.<br/>13 Let's clear this up.<br/>14 Currently, Halcovage and Hetherington<br/>15 are two seated commissioners and they are<br/>16 Republican, correct?<br/>17 A. Correct.<br/>18 Q. Hess is the sole Democratic<br/>19 commissioner?<br/>20 A. Correct.<br/>21 Q. Do you believe that on any other<br/>22 occasions, Defendant Bender withheld information<br/>23 intentionally from Commissioner Hess?<br/>24 A. Yes.</p> <p>Page 268</p>                                                       |
| <p>1 A. You can't discipline an elected<br/>2 official.<br/>3 Q. But if she wasn't elected, would it<br/>4 warrant?<br/>5 A. If she had violated a policy, yes. If<br/>6 she made disparaging statements, yes. And there<br/>7 is -- there is a policy that talks about, even a<br/>8 person's behavior outside of -- you know, some<br/>9 people had -- while I was there, people had made<br/>10 statements, well, this isn't on county time or on<br/>11 county property, so there's nothing that can be<br/>12 done about it. But there is a policy, I think<br/>13 it's conduct and behavior, but I'm not positive,<br/>14 where it states that if you work for the county,<br/>15 you are sort of representing the county and your<br/>16 behavior, even outside of the workplace, reflects<br/>17 on the county and therefore can bring disciplinary<br/>18 action.<br/>19 Q. Did you ever hear Defendant Bender state<br/>20 or tell anyone that he does not provide the<br/>21 Democratic commissioner with the same information<br/>22 he provides to the Republican commissioners?<br/>23 A. I can tell you during the 2019 election,<br/>24 there was a debate and I know that Commissioner</p> | <p>Page 267</p> <p>1 Q. Can you tell us what information or give<br/>2 us any examples?<br/>3 A. No. But I know that I have gone to him<br/>4 and asked -- like, asked him questions about<br/>5 things that he knew nothing about.<br/>6 Q. When you say he, you mean Commissioner<br/>7 Hess?<br/>8 A. Commissioner Hess, yes.<br/>9 Q. Is it stuff -- the stuff you asked<br/>10 commissioner Hess about, which he knew nothing<br/>11 about, is it stuff that you knew Defendant Bender<br/>12 had shared with Commissioner Halcovage or<br/>13 Commissioner Hetherington?<br/>14 A. Yes.<br/>15 Q. Is it information that Defendant Bender<br/>16 should have shared with Commissioner Hess?<br/>17 A. I think -- I think all three<br/>18 commissioners should get the same information in<br/>19 the same fashion, irregardless of what party<br/>20 they're with. They are there to run the damn<br/>21 county. If you don't give them the information,<br/>22 how are they supposed to do their job properly?<br/>23 Its -- yeah.<br/>24 Q. Speaking of getting the same information</p> <p>Page 269</p> |

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| <p style="text-align: right;">Page 270</p> <p>1 to be able to do one's job properly, do you think</p> <p>2 that in your time after the investigation of June</p> <p>3 of 2020, until you resigned, do you believe that</p> <p>4 Jane Doe 3 was being provided the assistance and</p> <p>5 supplies and personnel that she needed to properly</p> <p>6 run the offices she was overseeing?</p> <p>7 MR. LETTRICH: Objection to form.</p> <p>8 You can answer.</p> <p>9 THE WITNESS: Can you be more</p> <p>10 specific about what you're talking about?</p> <p>11 BY MS. SMITH:</p> <p>12 Q. Did she have enough staff in the</p> <p>13 assessment and tax claims office?</p> <p>14 MR. LETTRICH: Same objection.</p> <p>15 You can proceed.</p> <p>16 THE WITNESS: I believe she was</p> <p>17 wanting to hire more staff, but I don't know that</p> <p>18 that happened. I know that there was -- at one</p> <p>19 point they were hiring someone and somehow it</p> <p>20 turned out to be a niece or some relative of Linda</p> <p>21 Marchalk and I don't know whether it was --</p> <p>22 because I remember having a conversation with</p> <p>23 Commissioner Hetherington about filling the</p> <p>24 position. He made it clear that Linda's --</p> | <p style="text-align: right;">Page 272</p> <p>1 experts are the best one for it, in department.</p> <p>2 Q. You might have heard me mention STEB</p> <p>3 earlier, the STEB reports?</p> <p>4 A. Yes.</p> <p>5 Q. Are you familiar with them?</p> <p>6 A. I have heard the name. You told me what</p> <p>7 it was and I cannot repeat it to you right now if</p> <p>8 I had to, not if my life depended on it.</p> <p>9 Q. Kind of answer my question, but I'm just</p> <p>10 going to get it on the record. At any point</p> <p>11 during your employment with the county, did you</p> <p>12 monitor, get involved with, or have anything to do</p> <p>13 with making sure the STEB reports submitted to the</p> <p>14 state in compliance with the deadlines?</p> <p>15 A. No. No, I wouldn't even know what they</p> <p>16 are.</p> <p>17 Q. Is that any role of HR, in your opinion?</p> <p>18 A. No. No.</p> <p>19 Q. Is the day-to-day operations of the</p> <p>20 offices any -- should HR become involved in any of</p> <p>21 the day-to-day operations of offices?</p> <p>22 A. Only as it relates to, are we adhering</p> <p>23 to union contracts.</p> <p>24 Q. HR or someone in the HR office, maybe</p> |
| <p style="text-align: right;">Page 271</p> <p>1 whatever, niece, whatever sister in law, I don't</p> <p>2 remember what her relationship was, was the person</p> <p>3 who would be filling that position. I was</p> <p>4 concerned because I knew there were tensions with</p> <p>5 Jane Doe 3 and Linda Marchalk.</p> <p>6 Q. In your time with the county,</p> <p>7 specifically the time watching Jane Doe 3 and Jane</p> <p>8 Doe 4 oversee both assessment and tax claim</p> <p>9 offices, based on that, are you able to form an</p> <p>10 opinion as to whom best would know what those two</p> <p>11 offices need?</p> <p>12 MR. LETTRICH: Objection.</p> <p>13 You can answer.</p> <p>14 THE WITNESS: Yes.</p> <p>15 BY MS. SMITH:</p> <p>16 Q. Who --</p> <p>17 A. I would think Jane Doe 3 and Jane Doe 4.</p> <p>18 Q. If they were asking --</p> <p>19 A. And in the same sense, I think I would</p> <p>20 be the best person to know who should be hired in</p> <p>21 HR. And I think Scott Crater would be the best</p> <p>22 person to know who should be hired in 911. And I</p> <p>23 can go through every office. Of course the people</p> <p>24 who were there, the experts, the subject-matter</p>                                     | <p style="text-align: right;">Page 273</p> <p>1 not the director, but are they responsible for</p> <p>2 paying renewals of the CPE licenses for employees?</p> <p>3 A. No. That would be -- no. That would</p> <p>4 be -- any repayment of licenses would -- I mean,</p> <p>5 an expense report would be completed. It would be</p> <p>6 submitted, the department head would sign off on</p> <p>7 it. It would be signed off, I guess, by Gary</p> <p>8 Bender, and then it would go to the controllers</p> <p>9 office.</p> <p>10 MS. SMITH: I think I'm going to</p> <p>11 defer now to Amber Fox and the DOJ. Obviously if</p> <p>12 there is time left, we will reserve collectively</p> <p>13 on this side the right to continue to question</p> <p>14 you.</p> <p>15 ---</p> <p>16 Examination</p> <p>17 ---</p> <p>18 BY MS. FOX:</p> <p>19 Q. Good afternoon, Ms. Twigg. My name is</p> <p>20 Amber Fox. I am with the Department of Justice.</p> <p>21 I think that you've heard everything before from</p> <p>22 Ms. Smith as far as answering questions audibly</p> <p>23 and letting me finish my questions. I know it's</p> <p>24 getting late in the day, so we will do our best.</p>                 |

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| <p>Page 274</p> <p>1 A. Okay.</p> <p>2 Q. And myself or the court reporter will</p> <p>3 remind you if we need to, but I also apologize if</p> <p>4 I am skipping around a lot. Ms. Smith covered a</p> <p>5 lot of ground, so I am just going to probably be</p> <p>6 asking some follow-up questions to a few things.</p> <p>7 A. Okay.</p> <p>8 Q. I would like to start by starting</p> <p>9 looking at Exhibit-71, which we went through in</p> <p>10 quite a bit of detail. I will give you a minute</p> <p>11 to get there. And these are your note about the</p> <p>12 complaints against Commissioner George Halcovage</p> <p>13 and Schuylkill County.</p> <p>14 A. Yes.</p> <p>15 Q. So if I can direct your attention to</p> <p>16 Page 8 of this document, the page that has the</p> <p>17 handwriting that says against the law, it's</p> <p>18 circled.</p> <p>19 And it says Jane Doe 2 made accusations</p> <p>20 that George records conversations on his iPad,</p> <p>21 that he takes photos of people with his phone</p> <p>22 without their knowledge.</p> <p>23 Did I read that correctly?</p> <p>24 A. Uh-huh.</p> | <p>Page 276</p> <p>1 had COVID and we had layoffs and then we were</p> <p>2 bringing people back. Honestly, I was -- and at</p> <p>3 the time, there were two of us in HR. There</p> <p>4 wasn't time to do all of that. I figured it would</p> <p>5 get addressed with the rest of this.</p> <p>6 Q. Okay.</p> <p>7 Am I right that between the date of this</p> <p>8 allegation and your last date of employment, it</p> <p>9 was roughly three to four months?</p> <p>10 A. No. This was end the of June. I left</p> <p>11 September 4th, it was two months.</p> <p>12 Q. Turning to the next page, at the very</p> <p>13 top, there's an entry here, Wednesday, May 27,</p> <p>14 2020, meeting with Commissioner Gary Hess, which I</p> <p>15 believe you discussed with Ms. Smith.</p> <p>16 And my -- it says here that Commissioner</p> <p>17 Hess stated that although he had never personally</p> <p>18 seen anything between the two of them, meaning</p> <p>19 Jane Doe 1 and Commissioner Halcovage, the</p> <p>20 assumption was always there.</p> <p>21 Did you ask him what he meant by that?</p> <p>22 A. I don't know that I did. I assumed he</p> <p>23 meant the assumption was there that there was a</p> <p>24 relationship.</p> |
| <p>Page 275</p> <p>1 Q. Yes or no?</p> <p>2 A. Yes. Sorry.</p> <p>3 Q. Did you know that Mr. Halcovage or</p> <p>4 Commissioner Halcovage was making these</p> <p>5 recordings?</p> <p>6 A. No. And I can tell you shortly after</p> <p>7 this happened, I was walking outside. He was</p> <p>8 sitting -- George Halcovage was sitting in his</p> <p>9 vehicle, he was on his phone and he called me over</p> <p>10 to ask me a question. And it became very clear, I</p> <p>11 wanted to know who was on the other end of that</p> <p>12 phone and who was listening to the call. And he</p> <p>13 literally showed it to me to put me at ease.</p> <p>14 Q. You were concerned that he may --</p> <p>15 A. After I heard this, yes.</p> <p>16 Q. -- record you? Okay.</p> <p>17 That was first time you had heard of</p> <p>18 that situation?</p> <p>19 A. Yes.</p> <p>20 Q. Did you look into it in any more detail</p> <p>21 or investigate that allegation?</p> <p>22 A. No.</p> <p>23 Q. Why not?</p> <p>24 A. Because I was busy doing this -- and we</p>                                                                         | <p>Page 277</p> <p>1 Q. Were you surprised when he said that?</p> <p>2 A. Yes. Well, do I want to say yes? I</p> <p>3 mean, at this point I don't know that I was</p> <p>4 surprised by a whole lot, but I just accepted it</p> <p>5 for what it was.</p> <p>6 Q. Okay.</p> <p>7 So you had previously testified that you</p> <p>8 interviewed Defendant Halcovage twice.</p> <p>9 Can you tell me what his demeanor was in</p> <p>10 your first interview with him?</p> <p>11 A. It was like a normal interaction that we</p> <p>12 had had. It wasn't -- I don't think it was -- I</p> <p>13 don't think it was -- it was cordial. I mean, he</p> <p>14 wasn't defensive. He wasn't -- it was cordial.</p> <p>15 Q. You said that that was the normal</p> <p>16 interaction you generally had with Defendant</p> <p>17 Halcovage?</p> <p>18 A. Like I said, at one point in time I</p> <p>19 considered him a friend, yes.</p> <p>20 Q. And then there came a time when you had</p> <p>21 a second interview with Defendant Halcovage.</p> <p>22 What was his demeanor in that interview?</p> <p>23 A. I think he was probably a little bit</p> <p>24 more defensive. There were times where his</p>                                                 |



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| <p style="text-align: right;">Page 278</p> <p>1 attorney became angry. I think George may have<br/> 2 been angry. I don't know, but it was more<br/> 3 defensive. It wasn't as cordial as the first<br/> 4 interview.<br/> 5 But my questions were a lot -- well, no.<br/> 6 They were pointed in both of them.<br/> 7 Q. You said they were pointed?<br/> 8 A. Pointed. They were very pointed<br/> 9 questions, yes. Direct, specific.<br/> 10 Q. Do you have any opinion as to why<br/> 11 Defendant Halcovage seemed more defensive in his<br/> 12 second interview?<br/> 13 A. No, I can't tell you why. Well, I have<br/> 14 my opinion, but that would just be my opinion.<br/> 15 Q. What is your opinion?<br/> 16 A. I was asking questions that involved --<br/> 17 most of the time, conversations that happened<br/> 18 between him and I, so I already knew the answers<br/> 19 to the questions I was asking. Maybe that caused<br/> 20 him to be uncomfortable. I don't know.<br/> 21 Q. Okay.<br/> 22 Can I direct your attention now to<br/> 23 what's been previously marked as Exhibit-4, which<br/> 24 is supplemental 2230 to 2254.</p> | <p style="text-align: right;">Page 280</p> <p>1 consensual relationship with Jane Doe 1 due to his<br/> 2 position of power.<br/> 3 Do you see that?<br/> 4 A. Yes.<br/> 5 Q. What led you to explain that to him?<br/> 6 A. Because he stated that he was in a<br/> 7 consensual relationship. As I mention ed at the<br/> 8 beginning of the day, part of what I studied in<br/> 9 school was working with -- rehabilitating sex<br/> 10 offenders. One thing that was drilled into my<br/> 11 head from that point in time is if someone is in a<br/> 12 position of power over another person, there is no<br/> 13 way there could ever be consent. And I wanted to<br/> 14 correct him and make him aware that there is no<br/> 15 way that there could be consent simply because of<br/> 16 the position of power he had over her with her<br/> 17 job.<br/> 18 Q. That's because he was commissioner and<br/> 19 Jane Doe 1 --<br/> 20 A. He was commissioner chair and she --<br/> 21 when she first started, was a part-time employee,<br/> 22 the lowest -- probably the lowest rung of the<br/> 23 ladder. And he was at the top of the ladder, that<br/> 24 prohibits consent.</p> |
| <p style="text-align: right;">Page 279</p> <p>1 A. Okay.<br/> 2 Q. So directing your attention in this<br/> 3 document to Bates No. 2240, Question No. 49.<br/> 4 You had explained your answer to<br/> 5 Ms. Smith or your question, rather. Defendant<br/> 6 Halcovage answered, no, the only time I would<br/> 7 record is if I had some -- would have something<br/> 8 talking to Dr. Levine, then he would delete it.<br/> 9 Did you know who Dr. Levine is?<br/> 10 A. No, I don't. No, I don't.<br/> 11 Q. Did you ask who Dr. Levine is?<br/> 12 A. No.<br/> 13 Q. And looking a little bit further down<br/> 14 the page to Question 51.<br/> 15 A. Uh-huh.<br/> 16 Q. Says: What is your relationship with<br/> 17 Jane Doe 1. And the answer here, friend,<br/> 18 colleague, consensual relationship outside of<br/> 19 here.<br/> 20 Did I read that correctly?<br/> 21 A. Uh-huh.<br/> 22 Q. Below, I won't read it, you can read it<br/> 23 to yourself, but it says that you interrupted<br/> 24 George and you explained there could never be a</p>                                                                                         | <p style="text-align: right;">Page 281</p> <p>1 Q. Okay.<br/> 2 Let's take a look now at 2247. And<br/> 3 about halfway through the page under Question 2,<br/> 4 you were asking questions of -- as you testified<br/> 5 earlier, you were asking Defendant Halcovage<br/> 6 questions about previous comments of a sexual<br/> 7 nature in the workplace.<br/> 8 Do you recall that testimony?<br/> 9 A. Yes.<br/> 10 Q. And am I correct that you overheard him<br/> 11 make these sexualized comments in the workplace,<br/> 12 as described in this document?<br/> 13 A. Some he made to me in my office. The<br/> 14 ones where -- like this one, No. 2, previously<br/> 15 stated in Question No. 9, the original questions,<br/> 16 that he had not steered conversation with Jane Doe<br/> 17 3 and Jane Doe 4 or other members to sexual<br/> 18 names... (reading to self).<br/> 19 So, no, I was not privy to the ones that<br/> 20 he had in the tax claim, tax assessment office. I<br/> 21 was only privy to the ones that he had in my<br/> 22 office.<br/> 23 Q. Which ones were those?<br/> 24 A. Well, the one about Christy Joy. The</p>                                   |



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| <p style="text-align: right;">Page 282</p> <p>1 one about the district attorney. The one about</p> <p>2 Ginny Murray being a lesbian. Off the top of my</p> <p>3 head, those are the ones I can think of.</p> <p>4 Q. Now, at any point in your experience of</p> <p>5 overhearing those comments, did you ask him to</p> <p>6 stop making those comments?</p> <p>7 A. No.</p> <p>8 Q. Why not?</p> <p>9 A. Why didn't I? Honestly, I can remember</p> <p>10 sitting there thinking, well, why is he discussing</p> <p>11 this. I don't know. I just didn't -- I wasn't --</p> <p>12 I also wasn't -- to me, the stories that I heard,</p> <p>13 he couldn't even touch with a ten-foot pole, the</p> <p>14 things that I heard when I was a therapist. I</p> <p>15 heard people telling stories where they had sex</p> <p>16 with animals. So, you know, listening to what --</p> <p>17 this little comment about the controller, it was</p> <p>18 like I just ignored it, I guess.</p> <p>19 Q. So you personally, you just kind of blew</p> <p>20 off the comment?</p> <p>21 A. Yeah. And should I have questioned</p> <p>22 whether he was having similar conversations with</p> <p>23 other people, yes. In hindsight I should have and</p> <p>24 I didn't and the's on me. Sorry.</p> | <p style="text-align: right;">Page 284</p> <p>1 A. I don't remember. It would seem like a</p> <p>2 logical question after asking...</p> <p>3 Q. If she had said yes, she had said she</p> <p>4 loved Defendant -- told Defendant Halcavage that</p> <p>5 she loved him once -- strike that.</p> <p>6 If you had asked that question of Jane</p> <p>7 Doe 1 and she had answered in the affirmative,</p> <p>8 that, yes, she once told Defendant Halcavage that</p> <p>9 she loved him, would that have changed your</p> <p>10 conclusion that Defendant Halcavage violated the</p> <p>11 policies?</p> <p>12 A. No.</p> <p>13 Q. Why not?</p> <p>14 A. Because someone in power over another</p> <p>15 human being cannot -- that person who is not in</p> <p>16 power cannot -- their consent is taken away by the</p> <p>17 nature of the power of the other person. That's</p> <p>18 basic treatment of sex offenders. Basic. And,</p> <p>19 sorry, we would go through 35 weeks of therapy</p> <p>20 with these people and it was something I had to</p> <p>21 drill into their heads. We don't -- sorry. I'm</p> <p>22 back to that.</p> <p>23 The children that were molested, they</p> <p>24 didn't -- they weren't necessarily molested by</p> |
| <p style="text-align: right;">Page 283</p> <p>1 Q. Don't apologize.</p> <p>2 Okay.</p> <p>3 I would like you to now look at</p> <p>4 Exhibit-69 and I apologize for making you skip</p> <p>5 around, but trying to move quickly.</p> <p>6 A. Do I have Exhibit-69?</p> <p>7 MS. IPPOLITO: Sorry. Which one?</p> <p>8 MS. FOX: Exhibit-69, the interview</p> <p>9 notes of Jane Doe 1.</p> <p>10 BY MS. FOX:</p> <p>11 Q. These are the interview questions for</p> <p>12 Jane Doe 1.</p> <p>13 A. Okay.</p> <p>14 Q. On page -- what's Bates stamped No.</p> <p>15 SCDOJRP556, Question No. 8 -- in the third bullet</p> <p>16 point under Question 8, the very last sentence</p> <p>17 says: Glenn asked if he ever told her he loved</p> <p>18 her. She said yes, he told her he loved her.</p> <p>19 Did I read that correctly?</p> <p>20 A. Yes.</p> <p>21 Q. Okay.</p> <p>22 Did you ever ask Jane Doe 1 if she loved</p> <p>23 Defendant Halcavage or she ever said she loved</p> <p>24 Defendant Halcavage?</p>                                                                                                                                                                                                                                                                      | <p style="text-align: right;">Page 285</p> <p>1 strangers. They were molested by family members</p> <p>2 or people that they trusted or people -- does that</p> <p>3 create conflicting thoughts their head, yeah, but</p> <p>4 it doesn't take away the fact that they don't</p> <p>5 have -- there is no consent if someone is in a</p> <p>6 position of power over you.</p> <p>7 Q. We talked a lot today about the</p> <p>8 investigation you conducted into Jane Doe 1's</p> <p>9 complaints of sexual harassment and hostile work</p> <p>10 environment.</p> <p>11 During the course of your investigation,</p> <p>12 at any point during the investigation, did the</p> <p>13 county tell you to do anything with which you</p> <p>14 disagreed?</p> <p>15 A. Only the incident that I mentioned</p> <p>16 earlier where, you know, Glenn had made the</p> <p>17 statement that I shouldn't put in the report that</p> <p>18 I would recommend he resign.</p> <p>19 Q. That's Glenn Roth --</p> <p>20 A. Yes.</p> <p>21 Q. -- and he resign meaning Defendant</p> <p>22 Halcavage?</p> <p>23 A. Yes. Other than -- when I went to Gary</p> <p>24 Bender, his first response was we do this by the</p>                                           |

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| <p>Page 286</p> <p>1 book. And he was adamant the way he said it. It<br/> 2 was in his stern voice, shall I say. But in this<br/> 3 case, I agreed with his statement.<br/> 4 Do I think since I've left that things<br/> 5 have gotten way out of control? Yes, I do.<br/> 6 Q. How has it gotten out of control?<br/> 7 A. Well, I don't necessarily think things<br/> 8 are being done by the book anymore.<br/> 9 Q. Can you give me an example?<br/> 10 A. Well, the suspension for a year without<br/> 11 pay, that's crazy. Do I truly believe that, like<br/> 12 I was told, that if I was going to testify in a<br/> 13 case that went against the county, I would be<br/> 14 discredited. Do that I believe's what's been done<br/> 15 to be these two women, yes, I believe that they<br/> 16 have -- the attempt was these were credible<br/> 17 people. These were people who had stellar<br/> 18 employment. They had no write ups. No problems.<br/> 19 And do I believe that the thought process there at<br/> 20 the county is, well, we will discredit them so<br/> 21 that they can not be considered credible<br/> 22 witnesses, that's exactly what I believe happened.<br/> 23 That's retaliation, I believe, in my book.<br/> 24 Q. So you mentioned doing things by the</p> | <p>Page 288</p> <p>1 make sure you get the objective, you have to get<br/> 2 all the facts, you have to look at -- you know, in<br/> 3 a sense like a control issue. When you do testing<br/> 4 in psychology and things like that, you always<br/> 5 have a control subject so that you know that<br/> 6 something isn't just an inference. It's not a<br/> 7 coincidence. So I used all of that information on<br/> 8 to -- at the beginning, how to conduct an<br/> 9 investigation.<br/> 10 But since then, I have been through<br/> 11 umpteen trainings. I have been through two<br/> 12 certifications. I have been through -- so I have<br/> 13 been doing them essentially now for pretty much 30<br/> 14 years or 29, let's say.<br/> 15 Q. So it's fair to say that you understand<br/> 16 that doing something by the book is based upon<br/> 17 your knowledge and experience in human resources?<br/> 18 A. It's -- yeah. That means you do it --<br/> 19 you do it, but you do it by the book. The book<br/> 20 says you're objective, you're fair, you're honest.<br/> 21 You don't lie, you don't bend the truth, you don't<br/> 22 do -- yeah.<br/> 23 Q. Again, I am skipping around and I<br/> 24 apologize for that.</p> |
| <p>Page 287</p> <p>1 book and -- well, let me back up a little bit.<br/> 2 When you started working at Schuylkill<br/> 3 County, how many years experience did you have in<br/> 4 human resources, roughly?<br/> 5 A. Okay. My first job in human resources<br/> 6 was started April 1, 1992. I started at the<br/> 7 county January 8, 2018. So 26, 27, I'm not the<br/> 8 best at math.<br/> 9 Q. Better than me, so I will go with that.<br/> 10 A. Okay.<br/> 11 Q. Roughly that time period.<br/> 12 A. I mean, in 2022 it's 30 years. So that<br/> 13 was, what, five years ago, so 25 years.<br/> 14 Q. So in those 25 years of human resources<br/> 15 experience, had you conducted investigations?<br/> 16 A. Yes.<br/> 17 Q. Roughly how many?<br/> 18 A. I can tell you from -- within my first<br/> 19 three months, within my first six months, I know<br/> 20 at my first job I had to conduct an investigation<br/> 21 and I wasn't -- in my first six months, I was<br/> 22 not -- I was trained or educated in human<br/> 23 resources. And so what I did was I took -- I used<br/> 24 the logic I learned in psychology, you know, to</p>                                                                                                                                        | <p>Page 289</p> <p>1 You had testified earlier that there<br/> 2 were certain individuals in the 911 call center, I<br/> 3 believe, and in the prison who had received pay<br/> 4 raises without taking on any additional duties,<br/> 5 which you understood to be different from the<br/> 6 normal way that the county handled pay raises,<br/> 7 which was to give a pay raise when someone took on<br/> 8 additional duties.<br/> 9 Do you remember that?<br/> 10 A. Yes.<br/> 11 Q. Is that a fair statement of your<br/> 12 testimony?<br/> 13 A. Yes.<br/> 14 Q. Do you recall those individuals in the<br/> 15 911 Call center and the prison, do you recall what<br/> 16 gender those people were?<br/> 17 A. In the prison, the lieutenants, I<br/> 18 believe they're all males. The 911, the majority<br/> 19 of -- I believe the majority was males. I don't<br/> 20 know if they were all males. There may have been<br/> 21 females in the supervisor range.<br/> 22 Q. So the majority of those individuals<br/> 23 were men?<br/> 24 A. I believe so.</p>                                                                                                                                                                    |

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| <p>Page 290</p> <p>1 Q. Now, can I now direct your attention to<br/>2 Exhibit-68, which was the Supplemental 170 to 180.<br/>3 A. I got it.<br/>4 Q. Exhibit-68, this is your final report,<br/>5 your investigation findings of sexual harassment,<br/>6 hostile work environment claim by Jane Doe 1, Jane<br/>7 Doe 3, Jane Doe 4, and Jane Doe 2?<br/>8 A. It looks like that's what it is, yes.<br/>9 Q. Okay.<br/>10 A. I would have thought the date was<br/>11 earlier than June 24th, but I guess -- or was<br/>12 later than June 24th, but I guess not. Okay.<br/>13 Q. Now, did anyone help you write this<br/>14 report?<br/>15 A. No. I mean, I probably had Glenn review<br/>16 it and I believe I sent it to Christopher Scott<br/>17 for review as well.<br/>18 Q. Did they provide any feedback or<br/>19 changes?<br/>20 A. Yes. Christopher Scott had mentioned<br/>21 that -- that I shouldn't include any<br/>22 conversations, any personal things. He said I<br/>23 need to just have it be totally objective. You<br/>24 know, like any comments that were said to me by --</p>                                                                                                                       | <p>Page 292</p> <p>1 discipline would have been employment termination.<br/>2 Commissioner Halcovage is an elected<br/>3 official and as such, is not subject to discipline<br/>4 or removal as a commissioner by the county<br/>5 administration. However, based on seriousness of<br/>6 the allegations and findings, it's recommended<br/>7 that Commissioner Halcovage resign his position as<br/>8 commissioner.<br/>9 Q. Did you make those final conclusions in<br/>10 your report?<br/>11 A. Yes, this is it.<br/>12 Q. Okay.<br/>13 Has anyone else outside of the county<br/>14 questioned you about the investigation?<br/>15 A. Yes.<br/>16 Q. Who?<br/>17 A. What day is today? Two weeks ago<br/>18 yesterday, the 15th, I was across -- I believe<br/>19 it's across the street somewhere at the house<br/>20 judiciary subcommittee, I testified as well.<br/>21 Q. Okay.<br/>22 Any other times that you've been<br/>23 questioned about your investigation outside of the<br/>24 county questioning you or talking to you about it?</p> |
| <p>Page 291</p> <p>1 the sexual comments and things like that. If<br/>2 there were instances where policies were violated<br/>3 by something that was said, that what was said to<br/>4 me was not to be included just because -- to be<br/>5 objective.<br/>6 Q. Anything else you recall?<br/>7 A. I know there was -- no. I mean, there<br/>8 were concerns -- I know that both Glenn and Gary<br/>9 Bender were anxious for me to finish the report.<br/>10 It had take well over a week, but I wanted to make<br/>11 sure I got it accurate and that I got it right and<br/>12 that, you know, the ultimate decision on it would<br/>13 be a fair decision based on the information that<br/>14 was provided.<br/>15 Q. What was the ultimate decision?<br/>16 A. That -- well, I will read it to you.<br/>17 Were these allegations made by a<br/>18 nonexempt hourly employee against a<br/>19 management-level employee, the management-level<br/>20 employee would have been suspended immediately<br/>21 pending an investigation. Following the<br/>22 investigation, the management-level employee would<br/>23 have been subject to a hearing and discipline.<br/>24 Based on these types of allegations, the</p> | <p>Page 293</p> <p>1 A. You mean officially? No, I don't think<br/>2 so.<br/>3 Q. Just trying to understand.<br/>4 A. Yeah. No, now you -- wait. Did<br/>5 anyone -- no, I don't think so.<br/>6 Q. Okay.<br/>7 A. I mean, I had questions, initial<br/>8 questions from Ms. Smith, but...<br/>9 Q. Okay.<br/>10 Are you aware that -- it looks like<br/>11 three days following the date of your report,<br/>12 Defendant Bender wrote to Commissioners Hess and<br/>13 Hetherington to essentially recap the findings of<br/>14 your investigation?<br/>15 A. I don't recall it. It doesn't mean it<br/>16 wasn't ever...<br/>17 Q. Okay.<br/>18 MS. FOX: Let's me go ahead and get<br/>19 one exhibit.<br/>20 - - -<br/>21 (Whereupon brief recess was held off the<br/>22 record.)<br/>23 - - -<br/>24 (SC000436-438 marked as Exhibit-5</p>                                                                                                                                                                                                          |

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| <p>Page 294</p> <p>1 BY MS. FOX:</p> <p>2 Q. Ms. Twigg, I will hand you what's been</p> <p>3 marked as Exhibit-85. It's SCDOJRFP000436 through</p> <p>4 438.</p> <p>5 Have you ever seen this document before?</p> <p>6 Take a minute to look at it.</p> <p>7 MS. JONES: Hello, this is Marie</p> <p>8 Jones. While you were looking at that document, I</p> <p>9 just wanted to note for the record I had jumped on</p> <p>10 for a little bit.</p> <p>11 MR. GEIGER: What number is this?</p> <p>12 THE WITNESS: I think I was aware</p> <p>13 of -- there was a point in time where I believe he</p> <p>14 was -- Gary Bender was writing this. And on a</p> <p>15 Saturday, he had Glenn and I go up there because</p> <p>16 he had questions about the -- he wanted to confirm</p> <p>17 that he was getting things right in the order that</p> <p>18 he said. Like he was -- so I do -- I do think I</p> <p>19 knew that he was writing a statement.</p> <p>20 BY MS. FOX:</p> <p>21 Q. By up there, do you mean up to the</p> <p>22 courthouse?</p> <p>23 A. To the courthouse, yeah.</p> <p>24 Q. I will direct your attention to the</p>                               | <p>Page 296</p> <p>1 were.</p> <p>2 Q. So you disagree with Defendant Bender's</p> <p>3 statement that he had some changes?</p> <p>4 A. I don't recall what they were if he did.</p> <p>5 I guess I'm questioning, did he make changes</p> <p>6 after -- but I was still there, so...</p> <p>7 Q. You're questioning whether he made</p> <p>8 changes to the report after you completed it?</p> <p>9 A. Yes. I am curious what those -- yeah.</p> <p>10 I am questioning where he said he had -- and had</p> <p>11 some changes. I don't -- but it's been two and a</p> <p>12 half years, so...</p> <p>13 Q. Sure.</p> <p>14 I want to come back to that, but before</p> <p>15 we do that. I want to go to the -- back to this</p> <p>16 meeting on Friday, June 26.</p> <p>17 Is that the meeting you were testifying</p> <p>18 about earlier when you talked to Commissioners</p> <p>19 Hess, Hetherington and Defendants Bender and Roth</p> <p>20 about the report?</p> <p>21 A. And where Chris Hobbs was there as well</p> <p>22 and Christopher Scott was on the phone, that</p> <p>23 meeting, yes.</p> <p>24 Q. That was the meeting?</p>    |
| <p>Page 295</p> <p>1 second page. The fifth full paragraph beginning</p> <p>2 with the investigation, it says here that I,</p> <p>3 meaning Defendant Bender, informed Commissioner</p> <p>4 Hess and Commissioner Hetherington that we will</p> <p>5 discuss the results with them Thursday, but they</p> <p>6 were not available. The meeting was set for</p> <p>7 Friday, June 26th. I reviewed the report on</p> <p>8 Thursday, June, 25, 2020, and had some changes.</p> <p>9 Did I read that correctly?</p> <p>10 A. Yes.</p> <p>11 Q. Earlier you had talked about having a</p> <p>12 meeting with Commissioners Hetherington, Hess,</p> <p>13 Defendants Bender and Roth.</p> <p>14 Do you recall that testimony?</p> <p>15 A. Yes.</p> <p>16 Q. The meeting referenced in this document,</p> <p>17 is that the same meeting you were testifying about</p> <p>18 earlier?</p> <p>19 A. No.</p> <p>20 Q. No. What meeting was this?</p> <p>21 A. Well, sorry. I'm -- yes, I'm assuming</p> <p>22 that Friday the 26th is where we met and I gave</p> <p>23 him the document. Sorry. I am still stuck on, he</p> <p>24 had some changes and I am wondering what those</p> | <p>Page 297</p> <p>1 A. Yes. Yes.</p> <p>2 Q. Okay. All right.</p> <p>3 Did you take any notes during that</p> <p>4 meeting?</p> <p>5 A. No. I think we just reviewed the</p> <p>6 documents, I answered any questions that they had</p> <p>7 concerning all of the information I had provided</p> <p>8 them.</p> <p>9 Q. Did you know whether anyone else took</p> <p>10 any notes during that meeting?</p> <p>11 A. I don't think so. I don't -- well, I</p> <p>12 mean, Christopher Scott was on the phone, so I</p> <p>13 have no idea what he did.</p> <p>14 Q. Okay.</p> <p>15 Is there anything else in this document</p> <p>16 that you question or disagree with?</p> <p>17 A. I guess I would question this, that the</p> <p>18 affair began during the employee's first year with</p> <p>19 the county when she was a mailroom clerk. I</p> <p>20 thought she said it started in 2014. I thought he</p> <p>21 agreed it was 2014. I thought she was there and</p> <p>22 this may be wrong. I thought she started part</p> <p>23 time in the mailroom. I don't know when -- did</p> <p>24 she start? I don't remember when she started.</p> |



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| <p style="text-align: right;">Page 298</p> <p>1 Sorry.</p> <p>2 Q. I think it says that it began during her</p> <p>3 first year when she was a mailroom clerk.</p> <p>4 A. Right. But when I spoke with her, it</p> <p>5 says for the last six years she had been -- being</p> <p>6 harassed.</p> <p>7 I won't repeat it all. Sorry.</p> <p>8 When she started here in 2014, and this</p> <p>9 is saying -- didn't this just say 2012, I thought.</p> <p>10 Q. No.</p> <p>11 A. Okay. Nevermind.</p> <p>12 Q. It's the end of the day.</p> <p>13 A. It's the end of the day. My brain --</p> <p>14 okay. Nevermind sorry.</p> <p>15 Q. Okay. No problem.</p> <p>16 A. I don't -- I mean, briefly looking at</p> <p>17 it, no, I don't have any issues, except I'd</p> <p>18 question what the -- had some changes. Maybe they</p> <p>19 were just grammatical or -- I don't know.</p> <p>20 Q. Okay.</p> <p>21 So turning back to the second page</p> <p>22 again, the first full paragraph, the last sentence</p> <p>23 says: We also discussed accommodations for these</p> <p>24 employees, including working from home to ensure</p>                                                                  | <p style="text-align: right;">Page 300</p> <p>1 employees or that you recall having them, but --</p> <p>2 A. I know we had a lot of discussions about</p> <p>3 accommodations. I can't tell you exactly when. I</p> <p>4 can't tell you on what day what was said, but</p> <p>5 there were a lot of discussions about it.</p> <p>6 Q. With whom?</p> <p>7 A. With Gary Bender, Solicitor Roth.</p> <p>8 Q. Anyone else that you can recall?</p> <p>9 A. If we're talking about -- well, there</p> <p>10 were some that the sheriff was involved -- Sheriff</p> <p>11 Groody was involved with that concerned the</p> <p>12 safe -- you know, these women feeling safe and</p> <p>13 what could we do. I think Brian Tobin, who is --</p> <p>14 I think his official title is chief deputy, was</p> <p>15 also involved in those conversations. Yeah, I</p> <p>16 can't -- trying to think who else would be</p> <p>17 involved in those conversations.</p> <p>18 Q. And during those conversations, what was</p> <p>19 your position about -- or what did you believe</p> <p>20 should be done to keep the --</p> <p>21 A. I believe you do whatever you have to to</p> <p>22 keep these people to feel safe.</p> <p>23 Q. Would working from home be one thing --</p> <p>24 A. Yes.</p> |
| <p style="text-align: right;">Page 299</p> <p>1 that they are comfortable working for the county.</p> <p>2 Do you recall those discussions?</p> <p>3 A. I recall --</p> <p>4 Q. Were you part of those discussions?</p> <p>5 A. I'm sure I was. I recall there were</p> <p>6 conversations, I know there were conversations</p> <p>7 about parking spaces. Like I said earlier, I</p> <p>8 assume there were -- yeah, I don't recall. I'll</p> <p>9 just leave it at that.</p> <p>10 Q. I think you had testified earlier that</p> <p>11 there was a conversation involving Sheriff Groody</p> <p>12 concerning parking; is that right?</p> <p>13 A. No. No. Well, parking spaces, but</p> <p>14 there was a conversation with Sheriff Groody</p> <p>15 concerning access to the courthouse by</p> <p>16 Commissioner Halcovage and what should and</p> <p>17 shouldn't be restricted.</p> <p>18 Q. Okay.</p> <p>19 Do you know whether you or anyone else</p> <p>20 took any notes during that meeting, the one you</p> <p>21 just described?</p> <p>22 A. I don't know. I don't know.</p> <p>23 Q. Am I right that you don't recall having</p> <p>24 any discussions about accommodations for these</p> | <p style="text-align: right;">Page 301</p> <p>1 Q. -- you thought they should do?</p> <p>2 A. Yes.</p> <p>3 Q. You have to let me finish.</p> <p>4 A. Sorry. Sorry. Yes.</p> <p>5 Q. Okay. Okay.</p> <p>6 A. Because what happened during COVID, it</p> <p>7 literally, in a sense, was proven that the jobs</p> <p>8 could be done remotely, because, again, a number</p> <p>9 of people were furloughed, but a number of</p> <p>10 people -- and I believe in claim and tax</p> <p>11 assessment, there were -- they had the ability to</p> <p>12 work from home and to log in through working at</p> <p>13 home, and so it was proven that it could be done</p> <p>14 and it could be done effectively.</p> <p>15 Q. So long as people who are working from</p> <p>16 home have all the equipment that they need to</p> <p>17 perform their job?</p> <p>18 A. Yes.</p> <p>19 Q. Was there a point in time during the</p> <p>20 pandemic when every Schuylkill County employee was</p> <p>21 working from home?</p> <p>22 A. No. I never worked from home.</p> <p>23 Q. Did any of the commissioners ever work</p> <p>24 from home?</p>                                                                                                                                                |



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| <p style="text-align: right;">Page 302</p> <p>1 A. I'm sure. An elected official doesn't</p> <p>2 have to be there eight hours -- seven hours a day.</p> <p>3 Q. Do they have to -- well, strike that.</p> <p>4 So could Defendant Halcovage have worked</p> <p>5 from home following the conclusion of your</p> <p>6 investigation, let's say?</p> <p>7 A. Technically he could have. I don't know</p> <p>8 that -- I don't believe -- how do I say this.</p> <p>9 There were discussions at some point in time prior</p> <p>10 to the pandemic about whether commissioners --</p> <p>11 like if they were out of town or something during</p> <p>12 Wednesdays normal commissioner meeting, could they</p> <p>13 phone in, could they participate that way. It was</p> <p>14 not done, it was not -- there was talk about it,</p> <p>15 but it was never put into place.</p> <p>16 So for any time, except for that</p> <p>17 particular time, I believe he would need to be in</p> <p>18 the courthouse for the commissioner meetings,</p> <p>19 Wednesday mornings at 10:00, salary board meeting,</p> <p>20 prison board meetings.</p> <p>21 Q. Was your understand that he had to be</p> <p>22 physically present for those meetings based on</p> <p>23 your understanding of quorum rules or something</p> <p>24 else?</p> | <p style="text-align: right;">Page 304</p> <p>1 that you were left out of?</p> <p>2 A. No, because I wasn't in them, so I</p> <p>3 wouldn't be able to say.</p> <p>4 Q. Of course.</p> <p>5 So did you just notice then that --</p> <p>6 A. It was a different feel.</p> <p>7 Q. That's because you had generally been</p> <p>8 involved in several conversations throughout the</p> <p>9 course of one day, and subsequent to your report,</p> <p>10 you then were not involved in as many</p> <p>11 conversations in a day; is that --</p> <p>12 A. I think as time went on and I think I</p> <p>13 wasn't trusted.</p> <p>14 Q. Why do you think that?</p> <p>15 A. Because I would stand up to things that</p> <p>16 I -- it's like, look, we need to -- this is the</p> <p>17 right way to do this. This is the -- and I just</p> <p>18 think I was seen as probably siding with the</p> <p>19 plaintiffs.</p> <p>20 When I gave my resignation notice, I</p> <p>21 believe it was when I turned in my notice, I</p> <p>22 believe Gary Bender made the statement, oh, so now</p> <p>23 there will be five complaints. He made an</p> <p>24 assumption that I would join the lawsuit. And I</p> |
| <p style="text-align: right;">Page 303</p> <p>1 A. I just know they had to be physically</p> <p>2 present. Yes, you have to have a quorum, but --</p> <p>3 but -- yeah, I don't know.</p> <p>4 Q. Are you aware of any rules that would</p> <p>5 have permitted Defendant Halcovage to appear by</p> <p>6 Zoom or some other sort of video conferencing</p> <p>7 technology?</p> <p>8 A. No, I'm not.</p> <p>9 Q. So I want to shift gears a little bit.</p> <p>10 You had testified earlier about the</p> <p>11 conclusion of your investigation, the submission</p> <p>12 of your report, these meetings, and you testified</p> <p>13 that you were left out of conversations?</p> <p>14 A. I felt like I was left out of</p> <p>15 conversations.</p> <p>16 Q. Why did you feel like that?</p> <p>17 A. Because there was a point in time where</p> <p>18 I was involved in a lot of conversations, even</p> <p>19 ones that didn't deal with HR, but dealt with</p> <p>20 county and county business. And then I believe</p> <p>21 that that happened less and less, even</p> <p>22 conversations that I think involved HR issues.</p> <p>23 Q. Okay.</p> <p>24 Are you aware of specific conversations</p>                                                                                                                   | <p style="text-align: right;">Page 305</p> <p>1 told him that that was not true. I'm not the</p> <p>2 person who is just going to just go and sue</p> <p>3 somebody for the sake of doing that. No, so</p> <p>4 you're wrong. And two and a half years later,</p> <p>5 he's still wrong.</p> <p>6 Q. And how did you feel when he said that</p> <p>7 to you?</p> <p>8 A. I felt I made the right decision by</p> <p>9 resigning.</p> <p>10 Q. Why is that?</p> <p>11 A. Because just by making that statement,</p> <p>12 it proved that he didn't trust me. That he</p> <p>13 thought I was -- that I would join the lawsuit.</p> <p>14 Isn't that basically what he said?</p> <p>15 Q. Okay.</p> <p>16 So did you sense that -- well, strike</p> <p>17 that.</p> <p>18 Did you feel that Defendant Bender</p> <p>19 trusted you before this lawsuit and investigation?</p> <p>20 A. Yes. Absolutely. And I trusted him.</p> <p>21 It was a two-way street, despite some of the</p> <p>22 antics that I went through.</p> <p>23 Q. And is it your opinion that that trust</p> <p>24 was broken because you came to a conclusion with</p>                                                             |

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| <p>Page 306</p> <p>1 which Defendant Bender disagreed?</p> <p>2 A. No, because if you read his statement,</p> <p>3 he also seemed to with it. I think after this as</p> <p>4 time went on and things sort of died down and it</p> <p>5 was -- I think people thought it would just go</p> <p>6 away. No, I don't think it had to do with the</p> <p>7 decision, but I think he had this perspective</p> <p>8 that -- to me, if they were asking for</p> <p>9 accommodations, you make them. It's not going</p> <p>10 to -- if it's not costing you money, they are</p> <p>11 getting their job done, you have to -- that's the</p> <p>12 law. You have to. You have to make a reasonable</p> <p>13 accommodation. I think because I was advocating</p> <p>14 the reasonable accommodation and the things they</p> <p>15 were asking, I did not think were unrealistic, I</p> <p>16 think I was seen as not being supportive, not</p> <p>17 being a management member and doing -- I mean, he</p> <p>18 made it very clear earlier during the other</p> <p>19 situation, the county pays my paycheck and I</p> <p>20 needed to take the county's stand and I wasn't</p> <p>21 doing that. He didn't say that in reference to</p> <p>22 this case, he said it in reference to the</p> <p>23 Loudermill about firing the individual without --</p> <p>24 but if you think it didn't go through my head when</p> | <p>Page 308</p> <p>1 A. No, I don't think so.</p> <p>2 Q. Had you ever heard that Defendant</p> <p>3 Halcovage requested employees change political</p> <p>4 parties to advance in a job?</p> <p>5 A. Yes.</p> <p>6 Q. When did you hear that?</p> <p>7 A. I heard it during this investigation</p> <p>8 from Jane Doe 3 and Jane Doe 4. And like I said,</p> <p>9 it was requested of -- it was requested that I</p> <p>10 speak with someone that I was hiring and ask them</p> <p>11 to change their political party. I am not sure if</p> <p>12 there were others, but I heard others talk about</p> <p>13 it, I just wasn't involved in it.</p> <p>14 Q. I think I know the answer to this based</p> <p>15 on your prior testimony, but did you ever</p> <p>16 investigate Defendant Halcovage for requesting</p> <p>17 employees change political parties to advance in</p> <p>18 their job?</p> <p>19 A. No.</p> <p>20 Q. Why not?</p> <p>21 A. I didn't know it was something I should</p> <p>22 investigate, to be honest. I had never worked in</p> <p>23 a government-type arena. I don't even know that</p> <p>24 at the time -- to me it just didn't seem right and</p>                                                            |
| <p>Page 307</p> <p>1 all this started, it did.</p> <p>2 Q. Do you recall that a press release was</p> <p>3 issued at some point after you completed your</p> <p>4 report?</p> <p>5 A. Yes.</p> <p>6 Q. Did you write the press release?</p> <p>7 A. No.</p> <p>8 Q. Did you edit or review it?</p> <p>9 A. No.</p> <p>10 Q. Did you have anything at all to do with</p> <p>11 it?</p> <p>12 A. No, I don't believe so. I believe</p> <p>13 Solicitor Roth wrote the press release. I don't</p> <p>14 recall that he -- I don't recall that he ran it</p> <p>15 past me, but there have been times where he would</p> <p>16 write a -- and I would do the same, where we would</p> <p>17 write a document and run it past the other just to</p> <p>18 get a second set of eyes to look at it.</p> <p>19 I don't recall that that happened in the</p> <p>20 press release. If I'm wrong, I'm sorry.</p> <p>21 Q. In your role as the human resources</p> <p>22 director at Schuylkill County, did you ever</p> <p>23 conduct any other investigations into Defendant</p> <p>24 Halcovage?</p>                                                                                                                                                                                                                                                                                                                  | <p>Page 309</p> <p>1 I wasn't comfortable with it, so that's why I</p> <p>2 didn't do it. Look, one thing I learned is that</p> <p>3 when elections happen, new people come in. A lot</p> <p>4 of people lose their jobs, which I still find</p> <p>5 unbelievable because you're messing with peoples</p> <p>6 lives, peoples incomes. And just because somebody</p> <p>7 gets elected, people lose their jobs, that's crazy</p> <p>8 to me. I just felt it more of that same type of</p> <p>9 thing. I didn't -- I honestly didn't realize it</p> <p>10 was something I should investigate.</p> <p>11 Q. During your time as HR director at</p> <p>12 Schuylkill County, had you ever conducted any</p> <p>13 investigations into Defendant Bender or concerning</p> <p>14 Defendant Bender?</p> <p>15 A. I don't think so.</p> <p>16 Q. Okay.</p> <p>17 In your role as human resources director</p> <p>18 at Schuylkill County, had you ever conducted any</p> <p>19 investigations into Defendant Roth?</p> <p>20 A. No, I don't think so.</p> <p>21 Q. Do you recall any other investigations</p> <p>22 you conducted while you were HR director at</p> <p>23 Schuylkill County?</p> <p>24 A. Yeah. There was the one we talked about</p> |

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| <p>Page 310</p> <p>1 with Mike Van Allen. There was -- I mean, from my<br/> 2 second or third week that I walked in the door<br/> 3 there was an issue with the prison, with one of<br/> 4 the prison guards. It started there. There were<br/> 5 a ton. There were the ones that we did in tax<br/> 6 claim with Pam Beidle, with -- who else? Some<br/> 7 from 911. I can't even -- I remember the guy's<br/> 8 name, but I can't even remember what he did.<br/> 9 Q. What's his name?<br/> 10 A. I think his name is Mistishin, last<br/> 11 name. Don't know his first name. Yeah, it was<br/> 12 the -- yeah, there were regularly -- Skibble,<br/> 13 maintenance guy. I mean, there were a ton of<br/> 14 them.<br/> 15 Q. Was there an investigation into a<br/> 16 Mr. Finnyfrock?<br/> 17 A. Oh, yeah. I remember that. Yeah. He<br/> 18 was on some sort of tax board something or other.<br/> 19 He had made some comments to Jane Doe 1, I<br/> 20 believe. And at some point he was removed from<br/> 21 the board, I believe, from the -- I don't know<br/> 22 what the name of the board was. It was some sort<br/> 23 of -- something to do -- I don't know if it was a<br/> 24 tax hearing thing or a tax claim board, I don't</p>                    | <p>Page 312</p> <p>1 where he had -- it was a COVID case. At some<br/> 2 point, you know, the governor had that hot list of<br/> 3 when you were visiting states that were considered<br/> 4 hot lists I. Believe it was children and youth,<br/> 5 there was and individual who -- and it was --<br/> 6 look, it was a very emotional time. There was an<br/> 7 individual who had gone to one of those places on<br/> 8 the hot list, we had meetings with the<br/> 9 commissioners, the county administrator, Solicitor<br/> 10 Roth, the president judge, the court administrator<br/> 11 on how we were going to implement policies. One<br/> 12 of the things that we came up with was -- that<br/> 13 everyone had agreed on was that if someone, if an<br/> 14 employee went on vacation and there was a form<br/> 15 they had to fill out if they were going on<br/> 16 vacation, where they were going, if it was a hot<br/> 17 list place. When they -- because we couldn't tell<br/> 18 them they couldn't, but when they returned, they<br/> 19 then had to -- for ten days they could not come<br/> 20 back to work. They had to quarantine. They were<br/> 21 not allowed to use sick time, they had to use<br/> 22 vacation time?<br/> 23 There was an individual in children and<br/> 24 youth and she did not want to use her vacation</p>      |
| <p>Page 311</p> <p>1 know what it was, tax assessment board, maybe.<br/> 2 Q. You mention Mr. Skibble in maintenance.<br/> 3 What was that investigation about?<br/> 4 A. Well, there were a couple on him.<br/> 5 One -- I would love to say I could tell you. Was<br/> 6 it something to do with wearing a mask? It was<br/> 7 wearing his mask during -- when COVID first<br/> 8 started. There was an issue and then -- and he<br/> 9 had a temper and he went -- I don't know if<br/> 10 someone made a statement or someone reported that<br/> 11 he was there and he wasn't using a mask and he was<br/> 12 on scaffolding. But there was a second one that<br/> 13 dealt with him -- something about like a<br/> 14 confrontation he had with his supervisor.<br/> 15 There was, you know, Randy Nigh, the one<br/> 16 that I talked about who had made -- had<br/> 17 inappropriate touching and made comments to Jane<br/> 18 Doe 4 and to other people, yeah.<br/> 19 Q. Okay.<br/> 20 During the course of your employment at<br/> 21 Schuylkill County, did anyone from the county ever<br/> 22 criticize your work, your investigatory work?<br/> 23 A. I'm sure somebody did. I can tell you<br/> 24 there was a point in time where -- there was one</p> | <p>Page 313</p> <p>1 time. She had asked if she could take the time<br/> 2 unpaid. I said okay, we could do that. I spoke<br/> 3 with the union business agent, everyone was in<br/> 4 agreement. That woman then filed for<br/> 5 unemployment, which I'll be honest, made me angry.<br/> 6 I was not happy. It's like -- because -- it's<br/> 7 like wait a minute, you asked for this you, said<br/> 8 you wanted to take an unpaid, and now you're<br/> 9 trying to file for unemployment. She said, well,<br/> 10 I'm entitled to it. I said you know what, you can<br/> 11 use your vacation time. If you wanted to be paid,<br/> 12 we told you, you could use your vacation time.<br/> 13 And I told her that and I had spoken with Gary<br/> 14 Bender about it. He was in agreement. I held a<br/> 15 meeting with the business agent, this individual,<br/> 16 her supervisor, and let her know that she would be<br/> 17 using vacation time for it, for the ten days.<br/> 18 That I had already notified payroll and we had<br/> 19 already contacted the unemployment office and let<br/> 20 them know, this person had an option to be paid,<br/> 21 they chose they wanted to not be paid, so now we<br/> 22 were paying them for it so they no longer needed<br/> 23 to pay her unemployment.<br/> 24 She was not happy about it. I said it</p> |

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| <p style="text-align: right;">Page 314</p> <p>1 probably in the same tone I'm saying now, because</p> <p>2 it makes me a little pissed off when people just</p> <p>3 want to cheat the system. It's like just do --</p> <p>4 it's not rocket science. You just do the right</p> <p>5 thing. She then made a complaint to -- she filed</p> <p>6 a grievance against me because I was angry in the</p> <p>7 meeting. And I went into Gary Bender's office for</p> <p>8 my 4:00 meeting and he had received the grievance</p> <p>9 and he asked if -- you know, if I had said this</p> <p>10 and I went through the whole reiteration with him.</p> <p>11 And I said the way I'm saying it right now, I was</p> <p>12 probably more angry than that. He sort of</p> <p>13 chuckled and he said, well, I am glad we don't</p> <p>14 have to argue about that. And it's like okay.</p> <p>15 Yeah, I'm sorry. You know, we were bending over</p> <p>16 backwards trying to deal with COVID and you have</p> <p>17 got somebody who just wants to cheat the system.</p> <p>18 She looks at me and she says, what do you care if</p> <p>19 I get unemployment. It's like just do the right</p> <p>20 thing. So, yeah, that was definitely one that</p> <p>21 somebody complained about.</p> <p>22 Q. Okay.</p> <p>23 But Defendant Bender agreed with your</p> <p>24 assessment in the way you conducted yourself</p> | <p style="text-align: right;">Page 316</p> <p>1 to approve it. But he -- actually he didn't agree</p> <p>2 with it, but -- because he told me he didn't agree</p> <p>3 with it.</p> <p>4 Q. He being?</p> <p>5 A. Gary Bender.</p> <p>6 Q. Thanks.</p> <p>7 A. But Solicitor Roth made an agreement in</p> <p>8 that meeting in order to make the grievance go</p> <p>9 away. And I resigned. It's all -- I believe you</p> <p>10 all have my resignation letter, I am not sure.</p> <p>11 It's all -- I believe it's all in there. The</p> <p>12 president judge was not happy because this is a</p> <p>13 decision the president judge had -- you know, he</p> <p>14 helped come up with the policy of how we were</p> <p>15 going to handle this. He then reversed every</p> <p>16 single one of his people, allowed them to use sick</p> <p>17 time. Gary Bender was furious. Furious with me.</p> <p>18 President judge called a meeting, wanted</p> <p>19 to talk about it because he didn't want me to</p> <p>20 resign. I guess Gary Bender threatened to resign</p> <p>21 because in this meeting, he said he didn't want</p> <p>22 Gary Bender to resign. Yeah, it was not pretty.</p> <p>23 But, yeah, there have been complaints about me,</p> <p>24 about an investigation. I guess I -- I don't know</p> |
| <p style="text-align: right;">Page 315</p> <p>1 during that entire interaction?</p> <p>2 A. He agreed with the decision. Whether he</p> <p>3 --</p> <p>4 Q. With your decision?</p> <p>5 A. No. He was involved in the decision.</p> <p>6 We talked about it. We were both in agreement</p> <p>7 with the fact that she would have to use vacation</p> <p>8 time. He never indicated whether he was upset</p> <p>9 with me that I was angry in the meeting with her.</p> <p>10 I admitted I was. I was angry. It's just -- you</p> <p>11 just -- come on, we had through the death of a --</p> <p>12 we went through som many things, one right after</p> <p>13 another. Somebody trying to cheat the system,</p> <p>14 yeah, sorry, had enough.</p> <p>15 And quite honestly, it sort of led to my</p> <p>16 resignation because one of the things that</p> <p>17 happened, a grievance was filed had against me.</p> <p>18 Gary Bender assigned Solicitor Roth to conduct the</p> <p>19 investigation because obviously I couldn't, it was</p> <p>20 a grievance against me. And in the end, he</p> <p>21 allowed her to use sick time, which went against</p> <p>22 --</p> <p>23 Q. He being?</p> <p>24 A. Solicitor Roth. I guess Gary Bender had</p>                                                                                                                                                      | <p style="text-align: right;">Page 317</p> <p>1 if that's what you were referring to or not. I</p> <p>2 know -- well, the question was at about how I</p> <p>3 conduct investigations.</p> <p>4 Q. Yeah. Yeah. Okay.</p> <p>5 A. Obviously some of my employees were not</p> <p>6 happy because I was a little more strict than the</p> <p>7 person before me.</p> <p>8 Q. I want to switch gears a little bit.</p> <p>9 Are you aware of any situations or are</p> <p>10 you aware of any times when a Schuylkill County</p> <p>11 employee was rude to another Schuylkill County</p> <p>12 employee and was not disciplined?</p> <p>13 A. Yeah. I'm sure it happened on a daily</p> <p>14 basis.</p> <p>15 Q. Asking the opposite, are you aware of</p> <p>16 any times when a county employee was rude to</p> <p>17 another county employee and was disciplined for</p> <p>18 it?</p> <p>19 A. I'm sure it's happened too. I mean,</p> <p>20 come on, you've got -- the elected official, every</p> <p>21 time I tried to do my office that involved her</p> <p>22 office, she threatened to sue me. She</p> <p>23 threatened -- I mean, I had downright threats and</p> <p>24 you can't do anything to her.</p>                                                                                                    |



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| <p>Page 318</p> <p>1 Q. Who was that?</p> <p>2 A. The clerk of courts Marie Casey.</p> <p>3 Q. Can you give me any example of any times</p> <p>4 an employee was rude to another one and was not</p> <p>5 disciplined, that you can recall?</p> <p>6 A. I'm sure. You know, we talked earlier,</p> <p>7 I can give you some just in HR. The HR specialist</p> <p>8 who reported to me, she also had a very close</p> <p>9 relationship with Gary Bender. And if she -- you</p> <p>10 know, she didn't like something I said, she'd go</p> <p>11 running to him. Did we have -- did we get to the</p> <p>12 point where I confronted her on it and we had a</p> <p>13 downright, I don't want to say argument, but our</p> <p>14 voices raised, absolutely. I mean, her husband</p> <p>15 used to say. You two are like sisters. It's like</p> <p>16 that's because she doesn't get I'm her supervisor,</p> <p>17 but that's a whole nother issue.</p> <p>18 Yeah, there are always -- look, it's --</p> <p>19 yes. I would say on a regular basis people are</p> <p>20 rude to each other in that building. And are</p> <p>21 there times -- you know, like I talked about</p> <p>22 Skibble, he was rude to one of his -- to his</p> <p>23 supervisor, that supervisor did take action and</p> <p>24 discipline him, but does that happen all the time,</p> | <p>Page 320</p> <p>1 - - -</p> <p>2 BY MS. FOX:</p> <p>3 Q. So, Ms. Twigg, at some point did you</p> <p>4 ever become aware that Defendant Halcovage had</p> <p>5 climbed up an embankment from the lower parking</p> <p>6 lot to the upper parking lot?</p> <p>7 A. Yes.</p> <p>8 Q. Do you recall when you became aware of</p> <p>9 that?</p> <p>10 A. No. I know I've seen the video. I</p> <p>11 know -- I don't even remember how -- I guess it</p> <p>12 wasn't too long after it happened that we became</p> <p>13 aware, we meaning myself, Gary Bender, Solicitor</p> <p>14 Roth became aware of it.</p> <p>15 Q. Okay.</p> <p>16 And you're saying it wasn't too long</p> <p>17 after he climbed the embankment that you learned</p> <p>18 that he had done that?</p> <p>19 A. Yes.</p> <p>20 Q. How did you find out about it?</p> <p>21 A. That's a good question. I don't recall.</p> <p>22 I don't recall if Jane Doe 3 and Jane Doe 4 made</p> <p>23 the statement. I don't recall if I was told by</p> <p>24 Gary. I think I was told by Gary Bender, but I'm</p> |
| <p>Page 319</p> <p>1 no.</p> <p>2 Q. Do you recall what the discipline was</p> <p>3 that the supervisor gave Skibble?</p> <p>4 A. I don't. It might have been -- I don't.</p> <p>5 I'd be guessing if I said something.</p> <p>6 Q. Don't want you to do that.</p> <p>7 So earlier we talked about LexusNexis.</p> <p>8 You remember that whole part of your testimony.</p> <p>9 And at one point you said, and I'm paraphrasing</p> <p>10 here, you said you had conversations about that?</p> <p>11 A. Uh-huh.</p> <p>12 Q. Do you recall what those conversations</p> <p>13 were and with whom?</p> <p>14 A. Yes. I believe they were with Jane Doe</p> <p>15 3, just asking from an HR perspective, what I</p> <p>16 thought was appropriate and not appropriate.</p> <p>17 Q. When were those conversations?</p> <p>18 A. A while ago. I know I spoke with her</p> <p>19 when she first got suspended.</p> <p>20 MS. FOX: Let's take a quick</p> <p>21 two-minute break.</p> <p>22 - - -</p> <p>23 (Whereupon, brief recess was held off the</p> <p>24 record at 5:07 p.m.)</p>                                                                                                                                                                                                                                                                         | <p>Page 321</p> <p>1 not sure.</p> <p>2 Q. You said you weren't sure when he</p> <p>3 climbed up the embankment. Was it after you</p> <p>4 completed your report?</p> <p>5 A. It was after this whole thing started, I</p> <p>6 can tell you that. It was -- I don't -- I</p> <p>7 honestly don't remember exactly when, but it was</p> <p>8 after --</p> <p>9 Q. It was after Jane Doe 1 made her</p> <p>10 complaint?</p> <p>11 A. Absolutely. That was -- and it was</p> <p>12 after all four people joined the lawsuit and it</p> <p>13 was -- yeah.</p> <p>14 Q. Had you ever before heard of Defendant</p> <p>15 Halcovage climbing up that embankment --</p> <p>16 A. No.</p> <p>17 Q. -- from the lower to the upper parking</p> <p>18 lot?</p> <p>19 A. Sorry. No.</p> <p>20 Q. Had you heard of any other county</p> <p>21 employee climbing up that embankment from the</p> <p>22 lower to the upper parking lot?</p> <p>23 A. No.</p> <p>24 Q. Was it surprising to you that Defendant</p>                                                                            |



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| <p>Page 322</p> <p>1 Halcavage had climbed that embankment?</p> <p>2 A. Yes.</p> <p>3 Q. Why?</p> <p>4 A. Because what was the -- because I</p> <p>5 question what the purpose was, because there's</p> <p>6 already enough going on, do you want to do</p> <p>7 something that would cause more questions.</p> <p>8 Q. And where was Commissioner Halcavage</p> <p>9 parking at the time he climbed up the embankment?</p> <p>10 A. I believe his parking was still down</p> <p>11 below, but I'm not positive. I believe it was</p> <p>12 still down below.</p> <p>13 Q. Do you know where the plaintiffs were</p> <p>14 parking at that time?</p> <p>15 A. They would have been parking up above</p> <p>16 because very shortly after the complaints were</p> <p>17 made, I mean we got the first notice that May 22,</p> <p>18 2020, I think within the next week to ten days,</p> <p>19 all four had joined the suit. The request for the</p> <p>20 change of their parking was very shortly after, so</p> <p>21 I believe they were then up above.</p> <p>22 Q. Okay.</p> <p>23 Do you know if anything was done --</p> <p>24 after you learned that Defendant Halcavage had</p>                                             | <p>Page 324</p> <p>1 not right if he was going towards -- if his</p> <p>2 purpose was to go into the building.</p> <p>3 BY MS. FOX:</p> <p>4 Q. Did you have any concerns that Defendant</p> <p>5 Halcavage was trying to intimidate Jane Doe 3 and</p> <p>6 Jane Doe 4?</p> <p>7 A. Yes. I had concerns that it was done,</p> <p>8 that their claim was that he could see them from</p> <p>9 down below, I can remember Gary Bender and I going</p> <p>10 out, looking at where -- standing where someone</p> <p>11 could actually see the vehicle that they would</p> <p>12 have been in, see where it was. Did they have a</p> <p>13 clear line of sight, could they have seen someone.</p> <p>14 Yes, we determined they could have. So, yes,</p> <p>15 there was concern.</p> <p>16 Q. Did anyone share that concern?</p> <p>17 A. I think Gary Bender shared it at the</p> <p>18 time, yes.</p> <p>19 Q. Anyone else?</p> <p>20 A. Well, I mean, there were discussions</p> <p>21 with the sheriff. I now the sheriff had concerns</p> <p>22 as well.</p> <p>23 Q. Concerns for their safety?</p> <p>24 A. Concerns for -- yes. And why --</p> |
| <p>Page 323</p> <p>1 climbed this embankment, was anything done to</p> <p>2 change his parking spot?</p> <p>3 A. Actually I think we watched that video,</p> <p>4 I'm wondering if that isn't when we had the</p> <p>5 conversation with the sheriff and the</p> <p>6 commissioners about the restriction of access.</p> <p>7 I'm wondering if -- and I don't know specifically,</p> <p>8 but I'm thinking it may have been what prompted</p> <p>9 those conversations, but I could be wrong.</p> <p>10 Q. Okay.</p> <p>11 What's your opinion, if any, as to why</p> <p>12 Defendant Halcavage climbed that embankment?</p> <p>13 MR. LETTRICH: Objection to form.</p> <p>14 You can answer.</p> <p>15 THE WITNESS: I watched the video</p> <p>16 and I can see it in my head what happened. He</p> <p>17 climbed that bank, he got to the top. If he was</p> <p>18 going to go into the entrance to the building, he</p> <p>19 would have turned right, but he turned left. I</p> <p>20 know after -- I mean, I know that Jane Doe 3 and</p> <p>21 Jane Doe 4 were in a vehicle that if you turned</p> <p>22 left, they were very -- not very far from where he</p> <p>23 was.</p> <p>24 I questioned why he turned left and</p> | <p>Page 325</p> <p>1 Q. And the safety of the plaintiffs, I</p> <p>2 should say?</p> <p>3 A. Yes. And why he would be climbing that</p> <p>4 bank. At the same time, they were sitting in a</p> <p>5 vehicle talking on a phone.</p> <p>6 Q. They being Jane Doe 3 and Jane Doe 4?</p> <p>7 A. Yes.</p> <p>8 Q. Do you know if the county did anything</p> <p>9 to change their parking spots after that either?</p> <p>10 A. I believe they were then moved to the</p> <p>11 entrance that -- this isn't going to mean anything</p> <p>12 to you, but it was to the people -- the entrance</p> <p>13 that is closer to the district attorney's office,</p> <p>14 if that makes sense. I believe, but I could be</p> <p>15 wrong. I would have to ask them to verify. It's</p> <p>16 been two and a half years.</p> <p>17 MS. FOX: I have no further</p> <p>18 questions. I think Ms. Smith has a couple more</p> <p>19 for you.</p> <p>20 MS. SMITH: I do and it's probably</p> <p>21 only one, maybe two.</p> <p>22 - - -</p> <p>23 Examination</p> <p>24 - - -</p>                                                                                |

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| <p>Page 326</p> <p>1 BY MS. SMITH:</p> <p>2 Q. Do you recall at any point having a</p> <p>3 conversation with Mr. Roth about his discomfort</p> <p>4 notarizing petitions for Commissioner Halcovage?</p> <p>5 A. I vaguely have a memory of that, but I</p> <p>6 couldn't tell you when. I couldn't tell you if it</p> <p>7 happened previous to my getting there. There was</p> <p>8 a conversation that happened. I can't tell you</p> <p>9 when.</p> <p>10 Q. Can you tell me, did Defendant Roth tell</p> <p>11 you that he notarized something for Commissioner</p> <p>12 Halcovage --</p> <p>13 MS. IPPOLITO: Objection.</p> <p>14 BY MS. SMITH:</p> <p>15 Q. -- despite feeling uncomfortable?</p> <p>16 MS. IPPOLITO: Objection to placing</p> <p>17 Mr. Roth in a position in which he might be</p> <p>18 incriminating himself.</p> <p>19 MS. SMITH: Fifth Amendment only</p> <p>20 applies to the individual who is asserting it.</p> <p>21 Mr. Roth is the only individual who can assert it.</p> <p>22 Ms. Twigg cannot give testimony that incriminates</p> <p>23 Mr. Roth in violation of the Fifth Amendment. And</p> <p>24 I can sit here and you can research it and I can</p> | <p>Page 328</p> <p>1 5:20 p.m.)</p> <p>2 - - -</p> <p>3</p> <p>4</p> <p>5</p> <p>6</p> <p>7</p> <p>8</p> <p>9</p> <p>10</p> <p>11</p> <p>12</p> <p>13</p> <p>14</p> <p>15</p> <p>16</p> <p>17</p> <p>18</p> <p>19</p> <p>20</p> <p>21</p> <p>22</p> <p>23</p> <p>24</p> |
| <p>Page 327</p> <p>1 tell you that I am absolutely, positively,</p> <p>2 unequivocally correct on that.</p> <p>3 BY MS. SMITH:</p> <p>4 Q. Ms. Twigg, did Mr. Roth tell you he</p> <p>5 notarized something for Commissioner Halcovage</p> <p>6 that he believed he should not have?</p> <p>7 A. Yes. I -- like I said, I vaguely recall</p> <p>8 this conversation, yes.</p> <p>9 Q. Did he say he did it that one time, but</p> <p>10 he wouldn't do it again?</p> <p>11 A. I know that he was not -- I recall him</p> <p>12 saying he was not comfortable with it. He did not</p> <p>13 appreciate being put in that position.</p> <p>14 Q. Did he tell you that he felt like he</p> <p>15 couldn't say no because Defendant Halcovage was</p> <p>16 the one who asked him?</p> <p>17 A. Did he use those exact words? No. Did</p> <p>18 he give me the impression that he felt he couldn't</p> <p>19 say no? Yes.</p> <p>20 MS. SMITH: I don't have any</p> <p>21 further questions for you, Ms. Twigg. Thank you.</p> <p>22 Off the record at 5:20 p.m.</p> <p>23 - - -</p> <p>24 (Whereupon, deposition concluded at</p>                                                                    |                                                                                                                                                                                                                                                                         |

## C E R T I F I C A T I O N

I, COLEEN TRIFUN, RPR and Notary Public,  
do hereby certify that the foregoing is a true and  
accurate transcript of the stenographic notes taken  
by me in the aforementioned matter.

- - -

DATE :

COLEEN TRIFUN, RPR

# EXHIBIT

## P3

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|                     |   |                        |
|---------------------|---|------------------------|
| JANE DOE, et al.,   | : | UNITED STATES DISTRICT |
| Plaintiff           | : | COURT                  |
| v.                  | : | MIDDLE DISTRICT OF     |
| SCHUYLKILL COUNTY   | : | PENNSYLVANIA           |
| COURTHOUSE, et al., | : | CIVIL DOCKET NO:       |
|                     | : | 3:21-CV-00477          |
| Defendants          | : |                        |

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TRANSCRIPT MARKED CONFIDENTIAL

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VIDEOTAPE DEPOSITION OF GARY BENDER as a  
30(b)(6) witness taken at the Hilton Garden Inn  
Harrisburg Inn Harrisburg East, 3943 Tecport  
Drive, Harrisburg, Pennsylvania 17111 on Thursday,  
March 30, 2023 at 9:06 a.m. before Coleen Trifun,  
RPR and Notary Public.



## A P P E A R A N C E S :

DEREK SMITH LAW GROUP, PLLC  
BY: CATHERINE SMITH, ESQUIRE  
1835 Market Street  
Suite 2950  
Philadelphia, Pennsylvania 19103  
catherine@dereksmith.com  
Counsel for the Plaintiffs

NEWMAN WILLIAM, P.C.  
BY: GERARD J. GEIGER, ESQUIRE  
P.O. BOX 511  
712 Monroe Street  
Stroudsburg, Pennsylvania 18360  
ggeiger@newmanwilliams.com  
Counsel for George Halcovage  
(Via Zoom)

JONES PASSODELIS  
BY: MARIE MILLIE JONES, ESQUIRE  
Gulf Tower, Suite 3410  
707 Grant Street  
Pittsburgh, Pennsylvania 15219  
mjones@jonespassodelis.com  
Counsel for Gary Bender and Heidi Zula

DICKIE MCCAMEY  
BY: PAUL G. LEES, ESQUIRE  
190 Brodhead Road, Suite 310  
Bethlehem, Pennsylvania 18017  
plees@dmclaw.com  
Counsel for additional parties  
(Via Zoom)

MARGOLIS EDELSTEIN  
BY: MEGHAN WYNKOOP, ESQUIRE  
JOCELYN MENDEZ, ESQUIRE  
The Curtis Center  
170 S. Independence Mall W.  
Suite 400E  
Philadelphia, Pennsylvania 19106  
mwynkoop@margolisedelstein.com  
Counsel for Glenn Roth

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## REQUEST FOR PRODUCTION OF DOCUMENTS

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| <p>Page 5</p> <p>1 VIDEOGRAPHER: We are now on the</p> <p>2 record. Today's date is March 30, 2023, and the</p> <p>3 time is approximately 9:06 a.m. This is the</p> <p>4 recorded video deposition of the 30(b)(6) in the</p> <p>5 matter of Janes Doe et al versus Schuylkill County</p> <p>6 Courthouse et al.</p> <p>7 This deposition is being held at 3943</p> <p>8 Tecport Drive in Harrisburg, Pennsylvania. My</p> <p>9 name is Aleisha Catts from Everest Court Reporting</p> <p>10 and I'm the video specialist. The court reporter</p> <p>11 today is Coleen Trifun, also from Everest Court</p> <p>12 Reporting.</p> <p>13 Counsel will now state their</p> <p>14 appearance for the record.</p> <p>15 MS. SMITH: Good morning.</p> <p>16 Catherine Smith on behalf of the plaintiffs.</p> <p>17 Present in the room with me is my paralegal,</p> <p>18 Alyssa Debise. And observing by Zoom are</p> <p>19 plaintiffs Jane Doe 3 and Jane Doe 4, Jane Doe 3</p> <p>20 and Jane Doe 4.</p> <p>21 MS. JONES: Marie Millie Jones for</p> <p>22 Schuylkill County, Gary Bender, and Heidi Zula.</p> <p>23 MR. GEIGER: Jerry Geiger here for</p> <p>24 George Halcavage.</p> | <p>Page 7</p> <p>1 MS. WYNKOOP: Agreed.</p> <p>2 MS. SMITH: Perfect. Okay. Marie,</p> <p>3 I think you said you wanted to --</p> <p>4 MS. JONES: Yeah. I just wanted to</p> <p>5 identify that Gary Bender is here today in</p> <p>6 response to the 30B6 deposition notice and topics.</p> <p>7 As all counsel know, we had an issue raised before</p> <p>8 the court about some of those topics. The court</p> <p>9 ruled that Item 1 on the list is not subject to</p> <p>10 examination, but the remaining issues are.</p> <p>11 I think I've made clear to -- to</p> <p>12 Catherine and others that we are producing Mr.</p> <p>13 Bender in an effort to provide as much as we can</p> <p>14 in terms of substantive information in response to</p> <p>15 the remaining topics, but that we are not of the</p> <p>16 belief that he may necessarily know everything</p> <p>17 under every topic, so we were trying to maximize</p> <p>18 that.</p> <p>19 I think I have preserved that</p> <p>20 position with you, Catherine, and with the court.</p> <p>21 And we'll note objections as necessary. If we</p> <p>22 think either the scope or the inquiry to Mr.</p> <p>23 Bender is beyond what we believe is appropriate or</p> <p>24 that there are topics that he may not be able to</p> |
| <p>Page 6</p> <p>1 MS. WYNKOOP: Good morning. Megan</p> <p>2 Wynkoop here on behalf of Glenn Roth. My</p> <p>3 colleague Jocelyn Mendez is also on.</p> <p>4 MR. LEES: Paul Lees for defendant</p> <p>5 Kutzler.</p> <p>6 VIDEOGRAPHER: Will the court</p> <p>7 reporter please swear in the witness.</p> <p>8 MS. SMITH: And, Counsel, same</p> <p>9 stipulations, objections as to form and privilege</p> <p>10 only?</p> <p>11 All counsel said yes.</p> <p>12 MS. SMITH: I know we had a date of</p> <p>13 this Friday for designations, I -- I did actually</p> <p>14 just send some out. But given that obviously</p> <p>15 these transcripts for yesterday's, today's, and</p> <p>16 tomorrow's deposition won't be completed, there is</p> <p>17 an agreement that the 30 days for those three</p> <p>18 transcripts for designations of confidential</p> <p>19 information will run 30 days from the receipt of</p> <p>20 the transcript.</p> <p>21 MS. JONES: Yeah, I'm fine with</p> <p>22 that.</p> <p>23 MR. LEES: That's fine.</p> <p>24 MR. GEIGER: Agreed.</p>                                                                                                       | <p>Page 8</p> <p>1 address in large part and then we can address</p> <p>2 those issues if necessary later.</p> <p>3 I think we also discussed that this</p> <p>4 would -- be for the 30B6 process, it's a</p> <p>5 seven-hour limit and we can either go through that</p> <p>6 today or not as you deem content.</p> <p>7 MS. SMITH: Okay.</p> <p>8 I'm just going to put on the</p> <p>9 record, I don't think it's going to become an</p> <p>10 issue, I don't think that judge precluded me from</p> <p>11 Topic 1. I think what he said was the rest of the</p> <p>12 remaining 29 topics were -- pretty much covered</p> <p>13 the scope of 1. I don't have any specific</p> <p>14 questions really as to 1. It's more they are</p> <p>15 ingrained in the others. But I just think that</p> <p>16 needed to be clear.</p> <p>17 Otherwise, we can address the</p> <p>18 issues as they -- they come up, the objections,</p> <p>19 if -- if any --</p> <p>20 MS. JONES: Okay. -- as they</p> <p>21 arise.</p> <p>22 - - -</p> <p>23 GARY BENDER, having been first duly</p> <p>24 sworn, was examined and testified as follows:</p>                                                                                                                                                             |

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| <p>Page 9</p> <p>1 - - -</p> <p>2 BY MS. SMITH:</p> <p>3 Q. Mr. Bender, are you all set?</p> <p>4 A. I am.</p> <p>5 Q. Okay.</p> <p>6 Mr. Bender, I -- we have met in person,</p> <p>7 I think at the courthouse. My name is Catherine</p> <p>8 Smith. I represent the plaintiffs in this matter.</p> <p>9 You might recall, I previously deposed you by</p> <p>10 Zoom. And I am going to ask you some questions</p> <p>11 here today.</p> <p>12 Want to first run through some questions</p> <p>13 and ground rules. Obviously you have been deposed</p> <p>14 before, so you understand that I will be asking</p> <p>15 you questions and you will be providing me answers</p> <p>16 today, correct?</p> <p>17 A. That is correct.</p> <p>18 Q. Okay.</p> <p>19 And you understand that you are under</p> <p>20 oath and that your testimony, despite being here</p> <p>21 in an informal conference room at a hotel, has the</p> <p>22 same force and effect as if you were testifying in</p> <p>23 a court of law?</p> <p>24 A. Agreed.</p> | <p>Page 11</p> <p>1 Any reason at all that you can think of</p> <p>2 that you would be unable to testify truthfully</p> <p>3 here today?</p> <p>4 A. No.</p> <p>5 Q. If at any point you need a break, please</p> <p>6 just let me know. The only request I have is that</p> <p>7 if there's a question posed, that you answer that</p> <p>8 and then we will take any and all breaks that you</p> <p>9 need. Do you understand?</p> <p>10 A. Yes.</p> <p>11 Q. And if you do not understand a question</p> <p>12 at some point or you think it was ambiguous,</p> <p>13 please let me know and I will rephrase the</p> <p>14 question.</p> <p>15 Do you understand that?</p> <p>16 A. Yes.</p> <p>17 Q. If at any point in the deposition you'd</p> <p>18 like to go back to supplement, change an answer</p> <p>19 that you previously gave because something</p> <p>20 refreshes your recollection, please let me know</p> <p>21 and we will allow you to do so.</p> <p>22 Do you understand?</p> <p>23 A. Yes.</p> <p>24 Q. Okay.</p> |
| <p>Page 10</p> <p>1 Q. This time, I know you had some -- you</p> <p>2 struggled, but I know you tried last time, just</p> <p>3 remember to wait until my complete question is</p> <p>4 asked. I, likewise, will wait until your complete</p> <p>5 answer is provided. I will try and talk slow, but</p> <p>6 this woman to my right, she does need to make a</p> <p>7 clear record.</p> <p>8 Do you understand?</p> <p>9 A. Yes.</p> <p>10 Q. See, you're already doing better than</p> <p>11 the last time.</p> <p>12 A. Two minutes into it.</p> <p>13 Q. Is there -- have you consumed any drugs</p> <p>14 or any alcohol or any other substance which impair</p> <p>15 your ability to testify truthfully here today?</p> <p>16 A. No. I did -- however, I'm on Prednisone</p> <p>17 right now for -- for a shoulder problem.</p> <p>18 Q. Okay.</p> <p>19 Does that impact your ability to --</p> <p>20 A. No.</p> <p>21 Q. -- understand or recall or remember</p> <p>22 things?</p> <p>23 A. It will not.</p> <p>24 Q. Okay.</p>          | <p>Page 12</p> <p>1 Mr. Bender, this morning I observed that</p> <p>2 you were seated with your counsel and another</p> <p>3 individual in the hotel call it, lobby area.</p> <p>4 Who was that other individual?</p> <p>5 A. My wife Melissa.</p> <p>6 Q. Okay.</p> <p>7 Did you discuss anything about the case</p> <p>8 with your wife?</p> <p>9 A. No.</p> <p>10 Q. Did you discuss anything about the case</p> <p>11 this morning with your counsel while your wife was</p> <p>12 present?</p> <p>13 A. We did not.</p> <p>14 Q. Does your wife know what you're here</p> <p>15 for?</p> <p>16 A. Yes.</p> <p>17 Q. What does she know that you're here for?</p> <p>18 A. A deposition.</p> <p>19 Q. Does she know what the case is?</p> <p>20 A. Yes.</p> <p>21 Q. Does she know who the plaintiffs are?</p> <p>22 A. Probably not.</p> <p>23 Q. Have you disclosed the names of the</p> <p>24 plaintiffs to her?</p>                                                                                                               |



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| <p style="text-align: right;">Page 13</p> <p>1 A. Have not.</p> <p>2 Q. Mr. Bender, I'm going to show you what</p> <p>3 I'll mark --</p> <p>4 MS. SMITH: Matt, I believe we said</p> <p>5 we're at 324. So I will mark for today's purposes</p> <p>6 as 324, unless Matt corrects me.</p> <p>7 ---</p> <p>8 (Notice marked as Exhibit-324 for</p> <p>9 identification.)</p> <p>10 ---</p> <p>11 BY MS. SMITH:</p> <p>12 Q. Have you seen this notice of deposition</p> <p>13 before?</p> <p>14 A. Yes.</p> <p>15 Q. Okay.</p> <p>16 When did you see it?</p> <p>17 A. About a week ago.</p> <p>18 Q. Without telling me about any</p> <p>19 conversations with any attorney, can you tell me</p> <p>20 what you did to prepare for the deposition today?</p> <p>21 A. Well, I read over the 30 lines that I</p> <p>22 had and -- and tried to, you know, just refresh</p> <p>23 myself on -- on how to answer questions with some</p> <p>24 of that. I did have some questions for Marie.</p>                                                                                                                                                     | <p style="text-align: right;">Page 15</p> <p>1 A. I did not.</p> <p>2 Q. Okay.</p> <p>3 So just those three policies?</p> <p>4 A. Yes.</p> <p>5 Q. Okay.</p> <p>6 Okay.</p> <p>7 So just -- I want to be clear on this,</p> <p>8 you did not review the personnel files of the</p> <p>9 plaintiffs in this matter?</p> <p>10 A. I did not.</p> <p>11 Q. You did not review the personnel files</p> <p>12 of any of the individually named defendants in</p> <p>13 this matter?</p> <p>14 A. I did not.</p> <p>15 Q. Did you review any personnel file that</p> <p>16 the county may have for Deborah Twigg?</p> <p>17 A. I did not.</p> <p>18 Q. Did you review any personnel file that</p> <p>19 the county may have for Ms. Dash?</p> <p>20 A. I did not.</p> <p>21 Q. Did you review any personnel file that</p> <p>22 the county may have for Virginia Murray?</p> <p>23 A. I did not.</p> <p>24 Q. Did you review the contents of anyone</p>                                                                                                                                                               |
| <p style="text-align: right;">Page 14</p> <p>1 And that's pretty much about it. Everything about</p> <p>2 how -- what the answers would be or what sorts of</p> <p>3 questions you would ask in regard to those.</p> <p>4 Q. Okay.</p> <p>5 Did you review any documents?</p> <p>6 A. I did.</p> <p>7 Q. Do you remember which documents you</p> <p>8 reviewed?</p> <p>9 MS. JONES: I only pose an</p> <p>10 objection to the extent that counsel directed him</p> <p>11 to something. You can tell her what they are, but</p> <p>12 not to the extent that I may or may not have</p> <p>13 directed you to do that.</p> <p>14 So you may identify the documents,</p> <p>15 but not to the extent of why or if it had to do</p> <p>16 with a direction from counsel.</p> <p>17 THE WITNESS: Okay. There were</p> <p>18 three policies in here, the outside employment</p> <p>19 policy, the social media policy, and the</p> <p>20 harassment policy that I wanted to take a look at.</p> <p>21 BY MS. SMITH:</p> <p>22 Q. Okay.</p> <p>23 Other than those three policies that you</p> <p>24 just named, did you review any other documents?</p> | <p style="text-align: right;">Page 16</p> <p>1 including your own e-mail with the county</p> <p>2 regarding communications related to the plaintiffs</p> <p>3 claims or the defendants defenses in this matter?</p> <p>4 A. I did not.</p> <p>5 Q. Okay.</p> <p>6 Did you speak -- not -- not to any</p> <p>7 attorney, but did you speak with any other</p> <p>8 employees at the courthouse, whether it be an HR</p> <p>9 individual, security, a sheriff, about the</p> <p>10 contents of the deposition notice, which is</p> <p>11 Exhibit-324, in order to prepare for today's</p> <p>12 deposition?</p> <p>13 A. I did not.</p> <p>14 Q. Okay. All right.</p> <p>15 So being that you reviewed the policies,</p> <p>16 let's start with some of the county's policies.</p> <p>17 Does the county maintain a written</p> <p>18 policy or written procedure regarding document</p> <p>19 storage and/or retention?</p> <p>20 A. There was not a written policy, no.</p> <p>21 Q. Okay.</p> <p>22 Is there a non-memorialized -- strike</p> <p>23 that.</p> <p>24 Is there a policy or procedure that is</p> |

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| <p>Page 17</p> <p>1 not memorialized in writing that the county<br/>2 follows regard document storage and retention?<br/>3 A. I think it's left up to each department<br/>4 to do that. In other words, some people have<br/>5 what's called a buffalo drive for a department, so<br/>6 that all the files for the people in that<br/>7 department are stored there, but pretty much on<br/>8 each individual is to -- their files are on their<br/>9 computer.<br/>10 Q. So are -- let's start with employee<br/>11 personnel files.<br/>12 Are there employee personnel files that<br/>13 are maintained in the human resources department?<br/>14 A. Yes.<br/>15 Q. Okay.<br/>16 Do each of the individual offices or<br/>17 departments, so for instance, tax claim, tax<br/>18 assessment, treasurers office, do those individual<br/>19 offices maintain a separate and distinct employee<br/>20 personnel file for the employees in their -- their<br/>21 own offices?<br/>22 A. I don't think so.<br/>23 Q. Okay.<br/>24 The contents of an employee's personnel</p> | <p>Page 19</p> <p>1 Q. Is there a policy that is not written<br/>2 that the county follows?<br/>3 A. There's one that was set forth, I think,<br/>4 in the initial complaint that all documents are to<br/>5 be preserved. That was given to MIS and their<br/>6 charged with -- with that.<br/>7 Q. When you say in the initial complaint,<br/>8 are you speaking specifically to this matter?<br/>9 A. Yes.<br/>10 Q. Okay.<br/>11 But generally, not just pertaining to<br/>12 this matter, what is the county's policy or<br/>13 procedure, if one exists, on what -- on retaining<br/>14 and storing documents related to pending<br/>15 litigation?<br/>16 A. I guess that there would be an order<br/>17 from the court saying you have to retain them.<br/>18 Otherwise, I don't -- I don't know.<br/>19 Q. So it's your testimony that -- strike<br/>20 that.<br/>21 You were saying that something was given<br/>22 to MIS. Can you tell me what was given to MIS in<br/>23 regards to this complaint?<br/>24 A. The document that -- that ordered</p> |
| <p>Page 18</p> <p>1 file maintained in the HR office, is that retained<br/>2 by the county so long as the employee remains<br/>3 employed?<br/>4 A. Yes.<br/>5 Q. And then how long after an employee's<br/>6 employment ends with the county does the county<br/>7 retain the contents of those employee personnel<br/>8 files?<br/>9 A. That I don't know, but I will tell you<br/>10 that the -- the county would adhere to the<br/>11 retention guidelines put out by the Pennsylvania<br/>12 Historical Museum Commission.<br/>13 Q. Is there any written policy or procedure<br/>14 about the retention and storage of documents<br/>15 related to pending litigation against the county?<br/>16 A. A writ --<br/>17 MS. JONES: I'm sorry. I'm sorry.<br/>18 Could you just repeat that?<br/>19 BY MS. SMITH:<br/>20 Q. Any there any -- is there any written<br/>21 policy or procedure regarding the retention and<br/>22 storage of documents related to pending litigation<br/>23 against the county?<br/>24 A. There is not a written policy.</p>                 | <p>Page 20</p> <p>1 that -- the retaining e-mails and documents<br/>2 related to this case, that was put out, I think,<br/>3 in something you sent early on.<br/>4 Q. So are you referring to the letter that<br/>5 was on my firm, the Derrick Smith Law Group's<br/>6 letterhead that detailed preservation of evidence<br/>7 and data?<br/>8 A. Yes.<br/>9 Q. It was like a six-page letter with a lot<br/>10 of computer jargon?<br/>11 A. Yes.<br/>12 Q. Okay.<br/>13 And who gave that to MIS?<br/>14 A. I did.<br/>15 Q. Okay.<br/>16 Do you recall when?<br/>17 A. I do not.<br/>18 Q. Do you recall -- so Jane Doe 1 reported<br/>19 the issues by e-mail to Jane Doe 3 in May, end of<br/>20 May, it was May 20th or 21st of 2020. Do you know<br/>21 if it would have been in the month of May that it<br/>22 was given to MIS, May of 2020?<br/>23 A. If that letter was sent on May 20th, I<br/>24 would have corresponded with Stan that day.</p>                                                                                                  |

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| <p style="text-align: right;">Page 21</p> <p>1 Q. Okay.</p> <p>2 So is it your testimony, and then</p> <p>3 correct me if I'm wrong, that whenever the letter</p> <p>4 was received, within at least a day or so of</p> <p>5 Schuylkill County receiving it, that letter was</p> <p>6 given to MIS?</p> <p>7 A. Correct.</p> <p>8 Q. Okay.</p> <p>9 Other than giving the letter to MIS, did</p> <p>10 you give -- did you or anyone on behalf of the</p> <p>11 county give MIS any verbal instructions?</p> <p>12 A. Yes. To make sure the e-mails were</p> <p>13 retained and to make sure that if any documents</p> <p>14 were on the computer, they should clone those hard</p> <p>15 drives.</p> <p>16 Q. Okay. So let's start with e-mail.</p> <p>17 Whose e-mails -- emails specifically did</p> <p>18 you instruct MIS to -- to clone or to save?</p> <p>19 A. I think your letter stated all the</p> <p>20 commissioners, myself, Glenn Roth, Deb Twigg,</p> <p>21 whoever was named on that -- that letter that you</p> <p>22 sent.</p> <p>23 Q. Okay.</p> <p>24 Did it also include the plaintiff's</p> | <p style="text-align: right;">Page 23</p> <p>1 Q. Did you instruct MIS to clone or copy or</p> <p>2 preserve the contents of those desktops?</p> <p>3 A. Oh, I see -- yes.</p> <p>4 Q. Okay.</p> <p>5 A. Yes.</p> <p>6 Q. Did you instruct -- Ms. Twigg at the</p> <p>7 time, May and June of 2020, did Ms. Twigg have a</p> <p>8 county-issued desktop?</p> <p>9 A. She did.</p> <p>10 Q. Okay.</p> <p>11 Was her -- was MIS instructed to</p> <p>12 preserve, clone her desktop?</p> <p>13 A. I would think they had done everyone</p> <p>14 that I had mentioned previously.</p> <p>15 Q. Okay.</p> <p>16 So -- so when you say everyone you had</p> <p>17 mentioned previously, you instructed MIS to clone</p> <p>18 or copy or preserve the contents of the plaintiffs</p> <p>19 computers, Ms. Twigg's computer, Mr. Roth's</p> <p>20 computer, your computer, and all three</p> <p>21 commissioners?</p> <p>22 A. Correct.</p> <p>23 Q. Okay.</p> <p>24 Now, the -- some of the commissioners</p>                                                                                                                                                                                                                                                                        |
| <p style="text-align: right;">Page 22</p> <p>1 e-mails?</p> <p>2 A. Yes.</p> <p>3 Q. Okay.</p> <p>4 And that would be all four plaintiffs,</p> <p>5 correct?</p> <p>6 A. Correct.</p> <p>7 Q. As it relates to computer hard drives, I</p> <p>8 think you mentioned, do you know whose computers,</p> <p>9 if it was different than those last individuals</p> <p>10 you named, that you instructed MIS to preserve?</p> <p>11 A. Are -- any out of the ones that I just</p> <p>12 mentioned?</p> <p>13 Q. So you're talking about -- let me back</p> <p>14 it up and clarify it a little better.</p> <p>15 You said there was computer hard drives</p> <p>16 you verbally instructed MIS to ensure were</p> <p>17 preserved or copied or cloned, correct?</p> <p>18 A. Correct.</p> <p>19 Q. Okay.</p> <p>20 And were -- so let's start with -- let's</p> <p>21 start with the plaintiffs. The plaintiffs each</p> <p>22 had county-issued desktops in their respected</p> <p>23 workspaces at the courthouse, correct?</p> <p>24 A. Correct.</p>                                                                 | <p style="text-align: right;">Page 24</p> <p>1 possibly you, possibly Glenn Roth, and possibly</p> <p>2 Ms. Twigg had -- had county-issued electronic</p> <p>3 devices outside of desktops; am I correct?</p> <p>4 A. That is correct.</p> <p>5 Q. Okay. So let's start with Ms. Twigg.</p> <p>6 Other than her desktop, did she have any</p> <p>7 other county-issued electronic devices?</p> <p>8 A. A cell phone.</p> <p>9 Q. Did you instruct MIS to clone or copy</p> <p>10 that?</p> <p>11 A. I don't recall.</p> <p>12 Q. And, Mr. Bender, it's going to -- I'm</p> <p>13 going to give you an instruction, it's going to be</p> <p>14 somewhat weird today because sometimes I'm going</p> <p>15 to refer to you. When I'm -- when I'm referring</p> <p>16 to you from -- moving forward, what I mean is the</p> <p>17 county because you are here as a corporate</p> <p>18 designee of the county, someone who can bind the</p> <p>19 county when you're giving answers.</p> <p>20 I am going to refer to you as Mr.</p> <p>21 Bender, in the sense that I'm asking if -- do you</p> <p>22 know if Mr. Bender's computer, for instance, I may</p> <p>23 say -- say something like that. The reason I am</p> <p>24 saying that is because you're sitting here as the</p> |

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| <p>Page 25</p> <p>1 county today, you're not sitting here as Mr.<br/>2 Bender. I am going to be referring to you in<br/>3 the -- is that the third person, I think.<br/>4 I am going to be referring to you in the<br/>5 third person sometimes and it's going to seem<br/>6 awkward, so I apologize for that, but I just<br/>7 wanted to clarify.<br/>8 Do you understand that you're here as<br/>9 the county, not as Mr. Bender? So I may be asking<br/>10 you, the county, about questions about Mr. Bender?<br/>11 A. I am. And it is weird.<br/>12 Q. I agree?<br/>13 MS. JONES: And -- and, Catherine,<br/>14 to that point, you know, some of these questions<br/>15 were very specific about what he had done.<br/>16 MS. SMITH: Right.<br/>17 MS. JONES: And I get it because<br/>18 it's one of the topics. I think we have to be<br/>19 mindful of that down the road.<br/>20 MS. SMITH: Right. That's what I<br/>21 wanted --<br/>22 BY MS. SMITH:<br/>23 Q. So from now on when I refer to you, I'm<br/>24 referring to the county. I will refer -- if I am</p>                                                                                                                                                         | <p>Page 27</p> <p>1 that's why I am trying to say about the policies<br/>2 versus specific things that were done with respect<br/>3 to this case.<br/>4 MS. SMITH: I mean, that's going to<br/>5 be an issue we have address with the judge because<br/>6 you are able to designate more than one<br/>7 individual. If Mr. Bender is not the appropriate<br/>8 individual, but you have selected to designate Mr.<br/>9 Bender and Mr. Bender only and produce him here<br/>10 today, the answers I don't know are binding and<br/>11 our position is they are binding on the county.<br/>12 And the I don't knows about things that happened,<br/>13 are -- then the answer is binding on the county<br/>14 that something doesn't exist or the county doesn't<br/>15 know. But that's an issue we can address with the<br/>16 court at a later date.<br/>17 MS. JONES: Yeah, that's the one I<br/>18 preserved with the judge.<br/>19 MS. SMITH: I -- I understand --<br/>20 MS. JONES: And he note it in his<br/>21 order, so...<br/>22 MS. SMITH: I understand he noted<br/>23 that it his order, but it's still the county's<br/>24 responsibility to designate the appropriate</p> |
| <p>Page 26</p> <p>1 asking what Mr. Bender did or something about Mr.<br/>2 Bender's personnel file, I will be referring to<br/>3 Mr. Bender, and that's why I wanted to just put<br/>4 that on the record because it is going to be a<br/>5 little awkward, but it is the nature of -- of what<br/>6 we're doing today.<br/>7 MS. JONES: And -- and to that<br/>8 point again, kind of my earlier objection, he may<br/>9 not be able to say what he knows of all the<br/>10 county, but he will say what he does know, so...<br/>11 MS. SMITH: Well -- so then --<br/>12 we'll, you're -- he's here as the county today.<br/>13 MS. JONES: I understand --<br/>14 MS. SMITH: So --<br/>15 MS. JONES: -- but part of our<br/>16 objection and our ongoing position is he's -- he's<br/>17 the person in the best position to give the<br/>18 responses. We don't know that that's going to be<br/>19 universal to every topic. He may not know<br/>20 everything to every topic. And so therefore, when<br/>21 he answers -- you know, and he'll -- he can<br/>22 qualify if he has to. But, you know, there's<br/>23 going to be things he may not be able to know when<br/>24 it comes to a specific act of another person. So</p> | <p>Page 28</p> <p>1 individuals to answer questions. And they are, I<br/>2 believe, left to -- to their fault if they didn't<br/>3 designate the right individual.<br/>4 BY MS. SMITH:<br/>5 Q. So, Mr. -- Mr. Bender, again, if I'm<br/>6 referring to you, I will be referring to the<br/>7 county. If I refer to Mr. Bender, I will be<br/>8 referring to Mr. Bender as Mr. Bender. Again, a<br/>9 little bit awkward, but that's -- that's how we're<br/>10 going to move forward.<br/>11 So, again, did you, the county, instruct<br/>12 MIS, so for instance in this question, when I say<br/>13 you the county, that means you could have done it,<br/>14 Commissioner Hetherington could have done it,<br/>15 Commissioner Hess could have done it, anyone who<br/>16 is employed by the county or acting as an agent of<br/>17 the county could have done it, did you the county<br/>18 instruct MIS to preserve the contents of Deb<br/>19 Twigg's county-issued cell phone?<br/>20 A. No.<br/>21 Q. Did you the county instruct -- strike<br/>22 that.<br/>23 Mr. Roth, does he have anything other<br/>24 than -- any other county-issued electronic device,</p>             |

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| <p>1 other than a desktop computer?</p> <p>2 A. Yes.</p> <p>3 Q. What devices?</p> <p>4 A. He has a cell phone and a Microsoft</p> <p>5 Surface tablet.</p> <p>6 Q. Did you the county instruct anyone to</p> <p>7 preserve the contents of Defendant Roth's</p> <p>8 county-issued cell phone or Surface?</p> <p>9 MS. JONES: I'm going to object to</p> <p>10 the form.</p> <p>11 You can answer.</p> <p>12 THE WITNESS: The answer would be</p> <p>13 yes for the Surface.</p> <p>14 BY MS. SMITH:</p> <p>15 Q. But no for the cell phone?</p> <p>16 A. I know you're going to hate this, but I</p> <p>17 don't know.</p> <p>18 Q. Mr. Bender, does -- is he issued any</p> <p>19 county electronic devices other than a desktop?</p> <p>20 A. Would you repeat that, please?</p> <p>21 Q. Is Mr. Bender issued any county</p> <p>22 electronic devices other than a desktop?</p> <p>23 A. Yes.</p> <p>24 Q. Which devices?</p>                                             | <p>Page 29</p> <p>1 A. He no longer has the Surface.</p> <p>2 Q. Okay.</p> <p>3 Where is the Surface?</p> <p>4 A. That was handed in to MIS.</p> <p>5 Q. When?</p> <p>6 A. I can't recall now.</p> <p>7 Q. Do you know what year?</p> <p>8 A. '22.</p> <p>9 Q. 2022?</p> <p>10 A. 2022.</p> <p>11 Q. Okay.</p> <p>12 Why was it handed in to MIS in 2022?</p> <p>13 A. It wasn't available at the office.</p> <p>14 Q. What do you mean it wasn't available?</p> <p>15 A. He didn't have it in the office.</p> <p>16 Q. Where did he have it?</p> <p>17 A. At his home.</p> <p>18 Q. Was he instructed between 2020 and</p> <p>19 2022 -- 2020, when these claims were first brought</p> <p>20 up against the county and 2022, did the county</p> <p>21 instruct Defendant Halcovage to return any of his</p> <p>22 county-issued electronic devices?</p> <p>23 MS. JONES: Object to the form.</p> <p>24 You may answer.</p> <p>Page 31</p> |
| <p>1 A. Cell phone, an iPad, and a Microsoft</p> <p>2 Surface.</p> <p>3 Q. Did you the county instruct MIS to</p> <p>4 preserve or copy the contents of Mr. Bender's cell</p> <p>5 phone? And I should say, county-issued cell</p> <p>6 phone.</p> <p>7 A. No.</p> <p>8 Q. Did you the county instruct MIS to</p> <p>9 preserve the content of Mr. Bender's iPad,</p> <p>10 county-issued iPad?</p> <p>11 A. Yes.</p> <p>12 Q. Did you the county direct MIS to</p> <p>13 preserve or copy the contents of Mr. Bender's</p> <p>14 county-issued Surface Pro tablet?</p> <p>15 A. Yes.</p> <p>16 Q. Moving on to Defendant Halcovage, is he</p> <p>17 assigned any county-issued electronic devices,</p> <p>18 other than an desktop computer?</p> <p>19 A. At the time, yes, he was issued an iPad</p> <p>20 and he had in his possession at that time, a</p> <p>21 Surface laptop.</p> <p>22 Q. Okay.</p> <p>23 When you say at that time, what does</p> <p>24 that mean?</p> | <p>Page 30</p> <p>1 THE WITNESS: I would say yes.</p> <p>2 BY MS. SMITH:</p> <p>3 Q. Who instructed him to return those?</p> <p>4 A. I would have.</p> <p>5 Q. Okay.</p> <p>6 And you, in this instance, being Mr.</p> <p>7 Bender?</p> <p>8 A. Correct.</p> <p>9 Q. Okay.</p> <p>10 Do you recall when you instructed him to</p> <p>11 return those?</p> <p>12 MS. JONES: I think the question is</p> <p>13 preserved, not returned.</p> <p>14 MS. SMITH: He said --</p> <p>15 MS. JONES: Your question was about</p> <p>16 preserving.</p> <p>17 MS. SMITH: No. I asked him if he</p> <p>18 asked him to return them. We can have it read</p> <p>19 back.</p> <p>20 MS. JONES: I thought you were</p> <p>21 talking about both the Surface and the iPad and he</p> <p>22 said he instructed to preserve and then you said</p> <p>23 who, he said it was him.</p> <p>24 MS. SMITH: Can we have it read</p> <p>Page 32</p>                  |



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| <p>Page 33</p> <p>1 back?</p> <p>2 - - -</p> <p>3 (Whereupon, court reporter read back</p> <p>4 last question.)</p> <p>5 - - -</p> <p>6 MS. JONES: Okay. I'm sorry. I</p> <p>7 thought it was the preservation question.</p> <p>8 MS. SMITH: And we can -- just</p> <p>9 so --</p> <p>10 MS. JONES: No, it's clear.</p> <p>11 MS. SMITH: Okay.</p> <p>12 MS. JONES: That was your answer</p> <p>13 for that question, correct?</p> <p>14 THE WITNESS: I beg your pardon.</p> <p>15 MS. JONES: That was the correct</p> <p>16 answer to the question, yes?</p> <p>17 THE WITNESS: Yes.</p> <p>18 BY MS. SMITH:</p> <p>19 Q. When you were answering my questions</p> <p>20 just now about the Surface laptop, you were</p> <p>21 answering them concerning the return of the</p> <p>22 device, not the preservation, correct?</p> <p>23 A. Well, it would have to be returned in</p> <p>24 order to be preserved.</p> | <p>Page 35</p> <p>1 Now, I'm going to take a guess here and</p> <p>2 you can correct me if I'm wrong, is -- when you</p> <p>3 got the letter from my firm to preserve</p> <p>4 information, you go down to MIS, tell them to</p> <p>5 preserve it. They then probably came to you some</p> <p>6 time later and said we can't because we don't have</p> <p>7 them, is that why you then went to Defendant</p> <p>8 Halcovage and asked him to return them, so they</p> <p>9 could be preserved?</p> <p>10 A. That would be correct.</p> <p>11 Q. Okay.</p> <p>12 Is that why there was a delay in asking</p> <p>13 him to return them, because you thought MIS would</p> <p>14 be able to get them and preserve them, and until</p> <p>15 you found out that they couldn't, you didn't take</p> <p>16 action?</p> <p>17 A. And I also didn't realize at the time</p> <p>18 that he had one because it wasn't around for a</p> <p>19 while. He had one, but I didn't realize he had it</p> <p>20 yet.</p> <p>21 Q. Okay.</p> <p>22 So 2021, you the county through Mr.</p> <p>23 Bender, asked Defendant Halcovage to return, was</p> <p>24 it both to Surface Pro and the iPad?</p> |
| <p>Page 34</p> <p>1 Q. Okay.</p> <p>2 So let make just sure this record is</p> <p>3 clear. You, the county, through you Mr. Bender</p> <p>4 taking action, asked Defendant Halcovage to return</p> <p>5 his county-issued electronic devices?</p> <p>6 A. Yes.</p> <p>7 Q. Okay.</p> <p>8 And when did you ask him to return those</p> <p>9 devices?</p> <p>10 A. Can I give you a year?</p> <p>11 Q. Sure.</p> <p>12 If that --</p> <p>13 A. It would have been 2021.</p> <p>14 Q. Okay.</p> <p>15 Do you recall early, middle, end?</p> <p>16 A. I don't.</p> <p>17 Q. Okay.</p> <p>18 Do you recall if prior to 2021, when you</p> <p>19 the county through Mr. Bender, asked Defendant</p> <p>20 Halcovage to return those county-issued electronic</p> <p>21 devices, did you instruct MIS to copy and/or</p> <p>22 preserve their contents?</p> <p>23 A. Yes.</p> <p>24 Q. Okay.</p>                           | <p>Page 36</p> <p>1 A. Yes.</p> <p>2 Q. Okay.</p> <p>3 And he does not return, at least the</p> <p>4 Surface Pro, until 2022; is that a correct --</p> <p>5 A. Correct.</p> <p>6 Q. Do you know why?</p> <p>7 A. He couldn't find it.</p> <p>8 Q. Okay.</p> <p>9 Did he return the iPad?</p> <p>10 A. One.</p> <p>11 Q. How many iPads was he issued?</p> <p>12 A. He had two.</p> <p>13 Q. Has he ever returned the second one?</p> <p>14 MS. JONES: I am going to object to</p> <p>15 the form.</p> <p>16 But you may answer.</p> <p>17 THE WITNESS: I don't recall.</p> <p>18 BY MS. SMITH:</p> <p>19 Q. Was the contents of the Surface Pro and</p> <p>20 the iPad that were -- strike that.</p> <p>21 The one iPad that he -- you know that he</p> <p>22 did return, did MIS preserve the contents of that</p> <p>23 or copy it or clone it?</p> <p>24 A. Yes.</p>                                                                                                                                                                                                                                                                                                            |

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| <p>Page 37</p> <p>1 Q. Okay.</p> <p>2 Same thing with the Surface laptop that</p> <p>3 he returned, was it copied, cloned, preserved?</p> <p>4 A. Yes.</p> <p>5 Q. Because you don't know if he returned</p> <p>6 the other iPad, is it fair to say that you don't</p> <p>7 know if it was preserved or cloned?</p> <p>8 MS. JONES: Object to the form.</p> <p>9 You may answer.</p> <p>10 THE WITNESS: Did you say yes, I</p> <p>11 may answer?</p> <p>12 BY MS. SMITH</p> <p>13 Q. You can answer.</p> <p>14 MS. JONES: You may answer, yes.</p> <p>15 THE WITNESS: Okay. Now, repeat --</p> <p>16 repeat that -- sorry. Sorry.</p> <p>17 MS. JONES: It's okay.</p> <p>18 BY MS. SMITH:</p> <p>19 Q. In that you don't know that he</p> <p>20 returned -- if he returned -- Defendant Halcovage</p> <p>21 returned the second county-issued iPad he had</p> <p>22 possession of, is it fair then to say you don't</p> <p>23 know if its contents were preserved, cloned, or</p> <p>24 copied?</p> | <p>Page 39</p> <p>1 Q. Why did you -- you the county not</p> <p>2 instruct the individuals that were named in the</p> <p>3 letter to -- why did you not instruct MIS to clone</p> <p>4 the contents, preserve the contents of the cell</p> <p>5 phones of the individuals named in the letter?</p> <p>6 MS. JONES: Object to the form.</p> <p>7 You may answer.</p> <p>8 THE WITNESS: Well, the e-mails on</p> <p>9 the -- on the cell phone would have been preserved</p> <p>10 on other devices.</p> <p>11 BY MS. SMITH:</p> <p>12 Q. What about text messages, are the cell</p> <p>13 phones issued by the county capable of text</p> <p>14 messages?</p> <p>15 A. Yes.</p> <p>16 Q. Okay.</p> <p>17 Are text messages recoverable from any</p> <p>18 other devices, county-issued devices? So for</p> <p>19 e-mails, for instance, it's more the software,</p> <p>20 they can be received on a computer, they can be</p> <p>21 received on a cell phone, and you can recover them</p> <p>22 from either a hard drive. Are text messages the</p> <p>23 same way with county-issued devices?</p> <p>24 A. Between an iPhone and iPad they would</p> |
| <p>Page 38</p> <p>1 MS. JONES: Object to form.</p> <p>2 You may answer.</p> <p>3 THE WITNESS: Correct, I would not</p> <p>4 know that.</p> <p>5 BY MS. SMITH:</p> <p>6 Q. Okay. All right.</p> <p>7 Commissioner Hess, is he issued any</p> <p>8 county electronic devices, other than a desktop?</p> <p>9 A. Yes.</p> <p>10 Q. What devices?</p> <p>11 A. A cell phone and an iPad.</p> <p>12 Q. Do you know if the contents of those</p> <p>13 devices, if MIS was instructed to clone, copy, or</p> <p>14 preserve the contents of those devices?</p> <p>15 MS. JONES: Object to the form.</p> <p>16 You may answer.</p> <p>17 THE WITNESS: The iPad, yes.</p> <p>18 BY MS. SMITH:</p> <p>19 Q. The cell phone?</p> <p>20 A. No.</p> <p>21 Q. Why not the cell phone?</p> <p>22 A. I don't know that any cell phone was</p> <p>23 cloned. I mean, that was -- when we started, I</p> <p>24 don't know that the cell phones were.</p>                                                             | <p>Page 40</p> <p>1 be, yes.</p> <p>2 Q. Okay.</p> <p>3 But, for instance, Mr. Roth does not</p> <p>4 have an iPad, so would his cell phone text</p> <p>5 messages, county-issued cell phone text messages</p> <p>6 be recoverable from his desktop or the Surface Pro</p> <p>7 that he was issued?</p> <p>8 A. They would not.</p> <p>9 Q. Okay.</p> <p>10 Ms. Twigg did not have an iPad issued by</p> <p>11 the county, correct?</p> <p>12 A. That is correct.</p> <p>13 Q. And so her cell phone text messages, her</p> <p>14 county-issued cell phone text messages would not</p> <p>15 be recoverable from any other county device,</p> <p>16 correct?</p> <p>17 MS. JONES: Object to the form.</p> <p>18 You may answer.</p> <p>19 THE WITNESS: I would think not,</p> <p>20 no.</p> <p>21 BY MS. SMITH:</p> <p>22 Q. Okay. All right.</p> <p>23 And then last I think is Commissioner</p> <p>24 Hetherington. Is he issued any county devices</p>                                                                                                                                                                                             |

| Page 41                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                    | Page 43                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                         |
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| <p>1 other than a desktop?</p> <p>2 A. A cell phone.</p> <p>3 Q. He does not have an iPad or a Surface</p> <p>4 Pro?</p> <p>5 A. He does not.</p> <p>6 Q. Okay.</p> <p>7 Was -- were the contents of his cell</p> <p>8 phone -- sorry. Strike that.</p> <p>9 Did the county instruct MIS to preserve</p> <p>10 the contents of Commissioner Hetherington's</p> <p>11 county-issued cell phone?</p> <p>12 MS. JONES: Object to the form.</p> <p>13 You may answer.</p> <p>14 THE WITNESS: We did not.</p> <p>15 BY MS. SMITH:</p> <p>16 Q. So we were just talking about e-mails.</p> <p>17 What, if any, steps did the county take to retain</p> <p>18 and/or store e-mails relates to each individual</p> <p>19 named in the letter the county received from my</p> <p>20 law firm?</p> <p>21 A. MIS has the ability to -- to hold and</p> <p>22 store e-mails.</p> <p>23 Q. Does the county's e-mail server delete,</p> <p>24 on any routine basis, e-mails? So like after a</p>                                                         | <p>1 Mr. Bender's county-issued e-mail after receiving</p> <p>2 that letter?</p> <p>3 A. Yes.</p> <p>4 Q. Did the county preserve the contents of</p> <p>5 Defendant Roth's county-issued e-mail after</p> <p>6 receiving that letter?</p> <p>7 A. Yes.</p> <p>8 MS. SMITH: Matt, if you can pull</p> <p>9 up --</p> <p>10 THE WITNESS: Can I back up just a</p> <p>11 little bit?</p> <p>12 BY MS. SMITH:</p> <p>13 Q. Sure. Yeah.</p> <p>14 A. On deleted e-mails, you know, you can</p> <p>15 delete an e-mail, but it still is in the server as</p> <p>16 a deleted e-mail. They would have to be wiped</p> <p>17 clean by MIS. And I know at one time when we</p> <p>18 had -- sorry -- when we had a company in,</p> <p>19 generally e-mails on a server are preserved</p> <p>20 forever.</p> <p>21 Q. Okay.</p> <p>22 A. But don't hold me to that, but that was</p> <p>23 what was said to us. But I do know if -- if they</p> <p>24 get deleted, they still are on the server in a</p> |
| Page 42                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                    | Page 44                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                         |
| <p>1 year, after two years, does it automatically</p> <p>2 delete the contents of any e-mails or is it only</p> <p>3 if the e-mail holder deletes them?</p> <p>4 MS. JONES: Object to the form.</p> <p>5 You can answer.</p> <p>6 THE WITNESS: I don't know the</p> <p>7 answer to that question.</p> <p>8 BY MS. SMITH:</p> <p>9 Q. Do you know if MIS preserved the</p> <p>10 contents of each of the plaintiffs' county-issued</p> <p>11 e-mails after you, the county, received the letter</p> <p>12 from my firm regarding preservation of evidence?</p> <p>13 A. Yes.</p> <p>14 Q. Do you know, did the county preserve the</p> <p>15 contents of Ms. Twigg's county-issued e-mail after</p> <p>16 receiving that letter?</p> <p>17 A. Yes.</p> <p>18 Q. Did MIS preserve the contents of</p> <p>19 Defendant Halcovage's e-mail after receiving</p> <p>20 that -- county-issued e-mail --</p> <p>21 A. Yes.</p> <p>22 Q. -- after receiving that letter?</p> <p>23 A. Yes.</p> <p>24 Q. Did the county preserve the contents of</p> | <p>1 deleted file.</p> <p>2 Q. And this is -- I'm sorry -- knowledge</p> <p>3 you have because you spoke with MIS at some point?</p> <p>4 A. Yes.</p> <p>5 Q. Okay.</p> <p>6 And that was not in preparation for</p> <p>7 today's deposition, that was just --</p> <p>8 A. No.</p> <p>9 Q. -- at another time?</p> <p>10 A. (Indicating yes.)</p> <p>11 Q. Okay.</p> <p>12 And MIS would be able to answer</p> <p>13 questions about what is preserved, what was</p> <p>14 preserved, what could be preserved?</p> <p>15 A. Correct.</p> <p>16 Q. Okay.</p> <p>17 And is there someone specifically in MIS</p> <p>18 who would best be able to answer these questions?</p> <p>19 MS. JONES: Object to the form.</p> <p>20 You can answer.</p> <p>21 THE WITNESS: I would think</p> <p>22 Mr. Nester.</p> <p>23 MS. SMITH: All right. Matt, if</p> <p>24 you can out previously-marked Exhibit-43 on the</p>                                                                                     |

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| <p>1 screen.</p> <p>2 - - -</p> <p>3 (Previously marked Exhibit-43.)</p> <p>4 - - -</p> <p>5 BY MS. SMITH:</p> <p>6 Q. Defendant Bender -- or I'm sorry.</p> <p>7 Do you recognize this document?</p> <p>8 A. I do.</p> <p>9 Q. I said sorry because I referred to you</p> <p>10 as Defendant Bender, you are the county today, so</p> <p>11 I apologize.</p> <p>12 And what is this document?</p> <p>13 A. It's a hierarchy of the various</p> <p>14 departments and boards at the county and who is</p> <p>15 responsible for -- for what.</p> <p>16 Q. Okay.</p> <p>17 Is this the county's current</p> <p>18 organizational structure?</p> <p>19 A. I think this appears on the website</p> <p>20 today. It shouldn't, but I don't -- it did -- at</p> <p>21 my deposition you brought this up and are we going</p> <p>22 to focus in on tax claim?</p> <p>23 Q. No. I just want to know --</p> <p>24 A. Oh, okay.</p>                                                                 | <p>Page 45</p> <p>1 A. On a document such as this?</p> <p>2 Q. Uh-hum, yes.</p> <p>3 A. I don't think so.</p> <p>4 Q. This was submitted to the Equal</p> <p>5 Employment Opportunity Commissioner by the county</p> <p>6 in support of your response and opposition to the</p> <p>7 plaintiffs charge of discrimination in May of</p> <p>8 2021, correct?</p> <p>9 MS. JONES: I am going to object to</p> <p>10 the form.</p> <p>11 But you can answer if you know.</p> <p>12 THE WITNESS: I assume it was, yes.</p> <p>13 BY MS. SMITH:</p> <p>14 Q. In May of 2021, was this the county's</p> <p>15 organizational structure?</p> <p>16 A. Correct, with the exception of the tax</p> <p>17 claim.</p> <p>18 Q. Okay.</p> <p>19 If this was not the county's</p> <p>20 organizational structure in May of 2021, why was</p> <p>21 it submitted to a government agency in support of</p> <p>22 the county's position?</p> <p>23 MS. JONES: Object to the form of</p> <p>24 your question.</p> <p>Page 47</p> |
| <p>1 Q. -- if this is the county's current</p> <p>2 organizational structure?</p> <p>3 A. Pretty much. There is some incorrect</p> <p>4 entries here.</p> <p>5 Q. Okay.</p> <p>6 Has it been changed or updated?</p> <p>7 A. I don't know.</p> <p>8 MS. JONES: Did you mean on the web</p> <p>9 or just generally?</p> <p>10 MS. SMITH: Just generally.</p> <p>11 MS. JONES: Okay. Is that how you</p> <p>12 answered the question?</p> <p>13 My -- my clarification was --</p> <p>14 was -- did she mean updated on the web, because</p> <p>15 you had said it's on the web, or just generally,</p> <p>16 and she said generally. Is that the way you</p> <p>17 answered the question, that it wasn't updated?</p> <p>18 THE WITNESS: I don't know if it</p> <p>19 was updated on the web or not.</p> <p>20 BY MS. SMITH:</p> <p>21 Q. Okay.</p> <p>22 Do you know if it's been updated</p> <p>23 internally, not on the web, just internally at the</p> <p>24 county?</p> <p>Page 46</p> | <p>1 But you can answer.</p> <p>2 THE WITNESS: I guess it just</p> <p>3 wasn't updated on the website.</p> <p>4 BY MS. SMITH:</p> <p>5 Q. But it was submitted, separate and</p> <p>6 distinct from the website, to a governmental</p> <p>7 agency investigating the plaintiffs claims in May</p> <p>8 of 2021. If this was not the county's</p> <p>9 organizational structure in May of 2021, why was</p> <p>10 that done?</p> <p>11 A. I can't answer that.</p> <p>12 Q. Does the county --</p> <p>13 MS. SMITH: Matt, you can take that</p> <p>14 exhibit down. Thank you.</p> <p>15 BY MS. SMITH:</p> <p>16 Q. Does the county maintain something</p> <p>17 called a staff compliment?</p> <p>18 A. Could you repeat that?</p> <p>19 Q. Does the county maintain something</p> <p>20 called a staff compliment?</p> <p>21 A. Staff compliment?</p> <p>22 Q. Compliment.</p> <p>23 A. And what is that?</p> <p>24 Q. Well, my -- that's my question to you.</p> <p>Page 48</p>                              |



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| <p>Page 49</p> <p>1 Does the county maintain one?</p> <p>2 MS. JONES: Well, he can ask you to</p> <p>3 define the term that you're using it for.</p> <p>4 BY MS. SMITH:</p> <p>5 Q. I -- I don't know what it is. It's</p> <p>6 something that's been used in a prior deposition</p> <p>7 by Ms. Zula. It's called a staff compliment.</p> <p>8 Do you know what that is?</p> <p>9 A. I do not.</p> <p>10 MS. JONES: Was there a context?</p> <p>11 Maybe he could answer the question if there was a</p> <p>12 context.</p> <p>13 MS. SMITH: I am getting into it.</p> <p>14 BY MS. SMITH:</p> <p>15 Q. So Ms. Zula, she didn't define it, but</p> <p>16 as she testified, there is a some -- a document</p> <p>17 called a staff compliment that indicates the</p> <p>18 number of positions and what positions are in each</p> <p>19 office.</p> <p>20 So, for instance, in tax claim, it might</p> <p>21 say tax claim director, assistant director, three</p> <p>22 field appraisers, one real -- they're not in tax</p> <p>23 claim, but three clerk typists one, three clerk</p> <p>24 typists two, and that's -- so if someone leaves,</p>                  | <p>Page 51</p> <p>1 each office?</p> <p>2 A. Yes.</p> <p>3 Q. Okay.</p> <p>4 And there exists one for tax claim</p> <p>5 bureau?</p> <p>6 A. Yes.</p> <p>7 Q. And there exists one for tax assessment?</p> <p>8 A. Yes.</p> <p>9 Q. Do the staff compliments or this</p> <p>10 document, does it indicate the title of the</p> <p>11 department head for the division or department</p> <p>12 it's -- it's referring to?</p> <p>13 A. Yes.</p> <p>14 Q. Does it indicate the title of any</p> <p>15 assistant department head in the division or</p> <p>16 department it's referring to?</p> <p>17 A. Yes.</p> <p>18 MS. JONES: Assuming there is one.</p> <p>19 MS. SMITH: Well, I think he</p> <p>20 testified that there is one.</p> <p>21 MS. JONES: Well, I meant --</p> <p>22 MS. SMITH: Oh, those positions.</p> <p>23 Okay. Yes.</p> <p>24 MS. JONES: Because in some</p>                                                                                                                 |
| <p>Page 50</p> <p>1 if there's three clerk typists two, if one left,</p> <p>2 resigned, retired, the tax claim bureau would be</p> <p>3 able to hire someone for that empty spot.</p> <p>4 Where as if there was three clerk</p> <p>5 typists two and the positions were full and the</p> <p>6 director felt a fourth would be needed, they would</p> <p>7 have to do something with the salary board or take</p> <p>8 some other step to add another position to their</p> <p>9 staff compliment.</p> <p>10 Does that refresh your recollection or</p> <p>11 give you a better understanding of the staff</p> <p>12 compliment?</p> <p>13 A. That would be probably something that's</p> <p>14 maintained in HR. But, yes, that -- that is out</p> <p>15 there.</p> <p>16 Q. Okay.</p> <p>17 Does the -- so have you ever heard it</p> <p>18 referred to as a staff compliment?</p> <p>19 A. Not until today.</p> <p>20 Q. Okay.</p> <p>21 Do you believe that there is such a</p> <p>22 document, maybe not called a staff compliment, but</p> <p>23 something that -- some document that delineates</p> <p>24 the number of positions that can be staffed in</p> | <p>Page 52</p> <p>1 departments there might or might not be.</p> <p>2 MS. SMITH: Okay. I thought you</p> <p>3 meant the document.</p> <p>4 MS. JONES: No. No. No.</p> <p>5 MS. SMITH: Okay. Matt, if we can</p> <p>6 put up SC1260 to 1265. It will be 325.</p> <p>7 - - -</p> <p>8 (SC1260 marked as Exhibit-325 for</p> <p>9 identification.)</p> <p>10 - - -</p> <p>11 BY MS. SMITH:</p> <p>12 Q. Mr. -- I'm sorry. Keep on saying Mr.</p> <p>13 Bender, but you are the county.</p> <p>14 This is the county's sexual harassment</p> <p>15 policy that was in place beginning on September</p> <p>16 14, 2005. If we look at the -- the signature</p> <p>17 page, the second to last page, it's got the date</p> <p>18 on it.</p> <p>19 A. Uh-huh.</p> <p>20 Q. Being that it's signed and approved on</p> <p>21 September 14, 2005, this was implemented and in</p> <p>22 place beginning on that date, correct?</p> <p>23 A. Correct.</p> <p>24 Q. This policy, if we look at the first</p> |



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| <p>Page 53</p> <p>1 page, appears, correct me if I am wrong, to be a</p> <p>2 revision of a policy -- the policy that was</p> <p>3 originally issued in August of 1994; is that</p> <p>4 correct?</p> <p>5 A. That's what it states, yes.</p> <p>6 Q. Okay. Were there any -- and then it</p> <p>7 looks like it supersedes a July 1999 policy; am I</p> <p>8 correct?</p> <p>9 A. That's what it states, yes.</p> <p>10 Q. So this September 2005 revision would be</p> <p>11 the next most recent revision after July 1999</p> <p>12 correct?</p> <p>13 Meaning between July 1999 and 2000 --</p> <p>14 September 2005, based on this document, it appears</p> <p>15 that there were no revisions during that time; am</p> <p>16 I reading this document correctly?</p> <p>17 A. Correct.</p> <p>18 Q. Okay. All right. You can put that one</p> <p>19 aside.</p> <p>20 We are going to look at previously</p> <p>21 marked Exhibit-97.</p> <p>22 ---</p> <p>23 (Previously marked Exhibit-97.)</p> <p>24 ---</p>                                                                | <p>Page 55</p> <p>1 revisions to this policy between September of 2005</p> <p>2 and September of 2013?</p> <p>3 A. No.</p> <p>4 Q. No, there were not?</p> <p>5 A. There were not.</p> <p>6 Q. Okay.</p> <p>7 Between September 14, 2005, which was</p> <p>8 the first policy date we looked at, and September</p> <p>9 25, 2013, which is the implementation of -- date</p> <p>10 of this policy currently in front of you,</p> <p>11 Exhibit-97, did the county maintain any other</p> <p>12 policy related to or regarding retaliation for the</p> <p>13 opposition for reports of sexual harassment?</p> <p>14 A. I'm not aware of any.</p> <p>15 MS. SMITH: We'll look at</p> <p>16 previously marked Exhibit-98.</p> <p>17 ---</p> <p>18 (Previously marked Exhibit-98.)</p> <p>19 ---</p> <p>20 BY MS. SMITH:</p> <p>21 Q. This is the county's sexual</p> <p>22 harassment -- well, the name changed, it became</p> <p>23 the anti-harassment and non-discrimination policy,</p> <p>24 but the policy numbers are the same for the last</p> |
| <p>Page 54</p> <p>1 BY MS. SMITH:</p> <p>2 Q. This is the county's -- oh, sorry. This</p> <p>3 is the county's sexual harassment policy that was</p> <p>4 in place, if you look at the signature page which</p> <p>5 is 1258, on September -- beginning on</p> <p>6 September 25, 2013, correct?</p> <p>7 A. Correct.</p> <p>8 Q. If we look back at the first page, this</p> <p>9 policy is a revision of the July 2005 policy,</p> <p>10 correct?</p> <p>11 A. That's what it states, yes.</p> <p>12 Q. Okay.</p> <p>13 But if we look at the last one that we</p> <p>14 had up, it was a September 2005, which supersedes</p> <p>15 a July 1999 policy.</p> <p>16 So was there a July 2005 revision to</p> <p>17 this policy?</p> <p>18 A. I wasn't there at the time. I can't</p> <p>19 answer, but I would say that it's just merely just</p> <p>20 maybe we started to work on this in July, it</p> <p>21 wasn't activated until September.</p> <p>22 Q. Okay.</p> <p>23 So do you know then if there were any --</p> <p>24 you the county, do you know if there was any</p> | <p>Page 56</p> <p>1 two, correct?</p> <p>2 A. Correct.</p> <p>3 Q. Okay.</p> <p>4 This is the county's anti-harassment and</p> <p>5 non-discrimination policy that was in place</p> <p>6 beginning on February 10, 2021, if we look at the</p> <p>7 signature page, correct?</p> <p>8 A. February 10th, yes.</p> <p>9 Q. 2021, correct?</p> <p>10 A. Yeah. Agreed. Yes.</p> <p>11 Q. Okay.</p> <p>12 This policy is a revision of that last</p> <p>13 policy, Exhibit-97, that we just looked at that</p> <p>14 was a 2013 -- September 2013 revision, correct?</p> <p>15 A. Correct.</p> <p>16 Q. Were there any revisions to this policy</p> <p>17 between September 25, 2013, and February 10, 2021?</p> <p>18 MS. JONES: I'm sorry.</p> <p>19 THE WITNESS: I'm aware of none.</p> <p>20 MS. JONES: Wait. Can you say that</p> <p>21 again?</p> <p>22 BY MS. SMITH:</p> <p>23 Q. Were there any revisions to the policy</p> <p>24 between September 25, 2013, which is the</p>                                                                   |

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| <p>Page 57</p> <p>1 implementation date of Exhibit-97, and<br/>2 February 10, 2021, which is the implementation<br/>3 date of Exhibit-98?<br/>4 A. No.<br/>5 Q. Between September 25, 2013, when the<br/>6 revised policy, Exhibit-97 was implemented that we<br/>7 just looked at, and February 10, 2021, the<br/>8 implementation date of this Exhibit-98, did the<br/>9 county maintain any other policy related to or<br/>10 regarding retaliation for opposition and/or<br/>11 reports of sexual harassment?<br/>12 A. No.<br/>13 Q. Looking back at the signature page, the<br/>14 fifth page, there's four signatures that are<br/>15 redacted out.<br/>16 Do you see that?<br/>17 A. Yes.<br/>18 Q. Okay.<br/>19 Did Defendant Halcovage vote to approve<br/>20 and sign to approve the implementation of this<br/>21 revised policy?<br/>22 A. Yes.<br/>23 Q. Who all was involved in the revision of<br/>24 this policy, this February 2021 revision?</p> | <p>Page 59</p> <p>1 a copy of this before they voted on it?<br/>2 A. Yes.<br/>3 Q. When?<br/>4 A. Went to the meeting on the 10th, so they<br/>5 would have had it at least a week.<br/>6 Q. So one week before February 10, 2021?<br/>7 A. Yes.<br/>8 Q. Do you -- did -- do you the county know<br/>9 if any of the commissioners made any changes or<br/>10 proposed any changes to the policy which was<br/>11 provided to them one week prior to February 10,<br/>12 2021?<br/>13 A. I'm not aware of any, no.<br/>14 Q. At any time after February 10, 2021,<br/>15 when this policy was implemented and today, has<br/>16 the county maintained any other policy related or<br/>17 regarding retaliation for opposition and/or<br/>18 reports of sexual harassment?<br/>19 A. I would think this is still the active<br/>20 document.<br/>21 Q. So I apologize, there is one more<br/>22 updated one, so I'll -- I'll ask that question<br/>23 again later.<br/>24 I'm going to put --</p> |
| <p>Page 58</p> <p>1 A. I would say Heidi Zula and Doreen<br/>2 Kutzler.<br/>3 Q. Anyone else have input or review of this<br/>4 revision?<br/>5 A. Well, the board.<br/>6 Q. When you say --<br/>7 A. The board of commissioners.<br/>8 Q. Okay.<br/>9 A. And myself.<br/>10 Q. Again, I apologize that it's third<br/>11 person, but Mr. Bender, what was his involvement<br/>12 in the revisions of this February 2021 policy?<br/>13 A. Ms. Zula and Ms. Kutzler would have<br/>14 written it and would have brought it over to look<br/>15 at to me before they handed it to the<br/>16 commissioners for review.<br/>17 Q. Did Mr. Bender make any changes --<br/>18 A. No.<br/>19 Q. To -- to this policy --<br/>20 A. Sorry.<br/>21 Q. -- when Ms. Zula -- it's okay -- when<br/>22 Ms. Zula and Ms. Kutzler provided it to him?<br/>23 A. No.<br/>24 Q. Was the board of commissioners provided</p>                                                         | <p>Page 60</p> <p>1 MS. SMITH: Matt, if you can put<br/>2 105 up.<br/>3 ---<br/>4 (Previously marked Exhibit-105.)<br/>5 ---<br/>6 BY MS. SMITH:<br/>7 Q. This is a May 2021 revision of that<br/>8 policy that we just looked at, correct?<br/>9 A. It states that, yes.<br/>10 Q. Okay.<br/>11 This one doesn't have a -- have a date<br/>12 on that signature page. It just has a signature<br/>13 approving it.<br/>14 Do you know what date this was<br/>15 officially implemented?<br/>16 A. I do not.<br/>17 Q. And between the policy we just looked at<br/>18 from February 10, 2021, and this policy revision<br/>19 from May of 2021, were there any revisions to the<br/>20 policy in between those two dates?<br/>21 A. There would not be.<br/>22 Q. Okay.<br/>23 So from February 10, 2021, until today,<br/>24 other than this revision, were there other -- any</p>                                                                                                              |

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| <p style="text-align: right;">Page 61</p> <p>1 other independent written policies at the county</p> <p>2 regarding retaliation or related to retaliation</p> <p>3 for opposition and/or reports of sexual</p> <p>4 harassment?</p> <p>5 A. Not that I'm aware of.</p> <p>6 Q. And who all was involved in the</p> <p>7 revisions of this -- this May 2021 policy?</p> <p>8 A. Ms. Zula.</p> <p>9 Q. Anyone else?</p> <p>10 A. No. But, again, it would have been</p> <p>11 something she would have brought over to -- to</p> <p>12 me -- to me, Mr. Bender, and -- and to the board</p> <p>13 of commissioners.</p> <p>14 Q. As it relates to Mr. Bender, did he make</p> <p>15 any changes to the policy that was proposed to him</p> <p>16 by Ms. Zula?</p> <p>17 A. I did not.</p> <p>18 Q. Did the board of commissioners make any</p> <p>19 changes to the policy that was proposed to them by</p> <p>20 Ms. Zula?</p> <p>21 A. Not that I am aware of.</p> <p>22 Q. Other than the four county policies that</p> <p>23 we just looked at, has the county since 2012,</p> <p>24 had -- has the county since 2012 had any other</p> | <p style="text-align: right;">Page 63</p> <p>1 front of me of all the county policies, I might</p> <p>2 see something there. When I said I don't know, it</p> <p>3 might be on that list.</p> <p>4 BY MS. SMITH</p> <p>5 Q. Well, the notice of deposition.</p> <p>6 MS. SMITH: Matt, if you can pull</p> <p>7 back up what we marked today as 324.</p> <p>8 BY MS. SMITH:</p> <p>9 Q. No. 4 says: Defendant implementation of</p> <p>10 policies and/or procedures regarding sexual</p> <p>11 harassment, discrimination, and/or retaliation,</p> <p>12 did I read that correctly?</p> <p>13 A. No. 4, yes, you did.</p> <p>14 Q. Okay.</p> <p>15 Did you review the policies that the</p> <p>16 county has regarding those in preparation for</p> <p>17 today's deposition?</p> <p>18 A. I -- I reviewed this policy that we're</p> <p>19 looking at, the February '21 and the May '21. I'm</p> <p>20 sorry.</p> <p>21 Q. So you're -- so Exhibit-98 and 105?</p> <p>22 A. Yes.</p> <p>23 Q. Okay.</p> <p>24 Other than those two, you did not review</p>         |
| <p style="text-align: right;">Page 62</p> <p>1 written policies or written procedures regarding</p> <p>2 sexual harassment?</p> <p>3 MS. JONES: Object to the form.</p> <p>4 You may answer.</p> <p>5 THE WITNESS: I don't know.</p> <p>6 BY MS. SMITH:</p> <p>7 Q. Other than the four county policies we</p> <p>8 just looked at, did the county -- has the county</p> <p>9 ever since 2012, had any other written policy or</p> <p>10 written procedure regarding retaliation?</p> <p>11 MS. JONES: Object to the form.</p> <p>12 You may answer.</p> <p>13 THE WITNESS: That I don't know.</p> <p>14 BY MS. SMITH:</p> <p>15 Q. Other than the four county policies,</p> <p>16 which we just looked at, has the county since 2012</p> <p>17 had any other written policies or procedures</p> <p>18 regarding discrimination?</p> <p>19 MS. JONES: Object to the form.</p> <p>20 You may answer.</p> <p>21 THE WITNESS: I would say no</p> <p>22 because it's in this particular policy.</p> <p>23 And to the other two questions, I would</p> <p>24 have to say if we saw it -- if I had a list in</p>                               | <p style="text-align: right;">Page 64</p> <p>1 any other sexual harassment, retaliation, or</p> <p>2 discrimination policies of the county?</p> <p>3 MS. JONES: I am just going to</p> <p>4 object to the form and note there's no time frame</p> <p>5 on your deposition exhibit. So when your</p> <p>6 questions previously went back to 2012, I think</p> <p>7 there could be a fair interpretation that your</p> <p>8 exhibit did not identify historical policies.</p> <p>9 But he may answer the question.</p> <p>10 BY MS. SMITH:</p> <p>11 Q. So just so I'm clear, you did not review</p> <p>12 any other sexual harassment, discrimination, or</p> <p>13 retaliation policies of the county, other than</p> <p>14 Exhibit-98 and 105?</p> <p>15 A. Dealing with harassment and retaliation.</p> <p>16 Q. Okay.</p> <p>17 Right.</p> <p>18 A. No. No, but we had those other two I</p> <p>19 mentioned earlier.</p> <p>20 Q. Right.</p> <p>21 The outside employment and the social</p> <p>22 media, correct?</p> <p>23 A. Correct.</p> <p>24 Q. Okay.</p> |

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| <p>Page 65</p> <p>1 Did you review or bring with you to</p> <p>2 refresh your recollection today, a list of county</p> <p>3 policies?</p> <p>4 A. I did not.</p> <p>5 Q. Did you even review before today in --</p> <p>6 in preparation for today, a list of county</p> <p>7 policies?</p> <p>8 A. Yes. I -- I've seen that list and now I</p> <p>9 wish I would have printed it out. I thought maybe</p> <p>10 you would have it.</p> <p>11 Q. So, again, other than the county</p> <p>12 policies we have just looked at, there was four</p> <p>13 for consecutive times in years that we went over,</p> <p>14 did the county maintain any other policy for</p> <p>15 discrimination since 2012?</p> <p>16 MS. JONES: Object to the form.</p> <p>17 But you may answer.</p> <p>18 THE WITNESS: I can't answer that</p> <p>19 at this time.</p> <p>20 BY MS. SMITH:</p> <p>21 Q. Is that because you don't know?</p> <p>22 A. I don't remember, yeah.</p> <p>23 Q. Does the county currently have any</p> <p>24 written policy or procedure regarding the</p>                                                                                                                                                                 | <p>Page 67</p> <p>1 that training and they sign a document that they</p> <p>2 reviewed that policy, that training occurred, we</p> <p>3 have done that mostly every two years, so any time</p> <p>4 the employee gets a copy of that policy.</p> <p>5 Q. All right. Let me unpack that a little</p> <p>6 bit.</p> <p>7 So it is the policy or procedure of the</p> <p>8 county, not memorialized in writing, that any</p> <p>9 newly-implemented policy or any policy that is</p> <p>10 revised, is disseminated to all department heads,</p> <p>11 who are them to disseminate to each of their</p> <p>12 department employees, a copy of that and obtain a</p> <p>13 signature for receipt of that policy?</p> <p>14 A. Yes.</p> <p>15 Q. And that's not just the sexual</p> <p>16 harassment policy, that is all policies?</p> <p>17 A. Correct.</p> <p>18 Q. And then as I understand your answer,</p> <p>19 the sexual harassment training, which includes</p> <p>20 dissemination of a policy at that training, occurs</p> <p>21 every two years?</p> <p>22 A. Yes.</p> <p>23 Q. Does the county utilize a form to ensure</p> <p>24 that all county policies are, in fact,</p> |
| <p>Page 66</p> <p>1 dissemination of county policies and procedures to</p> <p>2 its employees?</p> <p>3 A. Want to go over that one more time,</p> <p>4 please.</p> <p>5 Q. Does the county have any written policy</p> <p>6 or procedure regarding the dissemination of its</p> <p>7 policies and procedure to its employee?</p> <p>8 A. I don't think it's a written policy, no.</p> <p>9 Q. Does the county have any non-written</p> <p>10 policy or procedure regarding the dissemination of</p> <p>11 its policies to its employees?</p> <p>12 A. Yes.</p> <p>13 Q. What is that?</p> <p>14 A. There are a number of them. When an</p> <p>15 employer is -- is hired when they go through</p> <p>16 orientation, all the policies are reviewed with</p> <p>17 the hire and the new hire would sign off on them.</p> <p>18 When a policy is revised or -- or -- or</p> <p>19 changed or a new one added, that gets sent out to</p> <p>20 all the department heads and every employee needs</p> <p>21 to sign that they have looked at it. When there's</p> <p>22 a revision made, same thing should happen.</p> <p>23 For the sexual harassment policy, when</p> <p>24 there was a training, the policy is included in</p> | <p>Page 68</p> <p>1 disseminated to county employees? Is there a</p> <p>2 standard form when someone is first hired?</p> <p>3 A. I -- I believe there is, yes.</p> <p>4 Q. Okay.</p> <p>5 Do you know what that form is called?</p> <p>6 A. I do not.</p> <p>7 Q. And who at the county is responsible for</p> <p>8 ensuring that a new hire receives copies of each</p> <p>9 of the counties policies in effect at the time</p> <p>10 that they are hired?</p> <p>11 A. Human resources.</p> <p>12 Q. So that would be the human resources</p> <p>13 director would be ultimately responsible for that?</p> <p>14 A. Ultimately, but it would be the person</p> <p>15 in the -- that is conducting the orientation, but</p> <p>16 ultimately it's the department head who would be</p> <p>17 responsible.</p> <p>18 Q. And does the county utilize a specific</p> <p>19 form for the receipt of newly-implemented or the</p> <p>20 receipt of revised policies by current employees?</p> <p>21 A. A form is sent around that each employee</p> <p>22 signs, yes. And that is returned to HR.</p> <p>23 Q. Okay.</p> <p>24 So is there a -- a standard form --</p>                   |



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| <p>Page 69</p> <p>1 A. Yes.</p> <p>2 Q. -- that each department uses?</p> <p>3 A. Yes.</p> <p>4 Q. And does HR provide them with that form</p> <p>5 when a newly-implemented or -- or -- when a</p> <p>6 newly-implemented policy is disseminated or when a</p> <p>7 revised policy is disseminated?</p> <p>8 A. Yes.</p> <p>9 Q. Does the county have any written policy</p> <p>10 or procedure regarding the dissemination of county</p> <p>11 policies to elected officials?</p> <p>12 A. I do believe they have to sign it as</p> <p>13 well, yes.</p> <p>14 Q. Sorry. Just listen to my question,</p> <p>15 though.</p> <p>16 Does the county have any written policy?</p> <p>17 A. No.</p> <p>18 Q. Regard the dissemination of county</p> <p>19 policies to elected officials?</p> <p>20 A. No.</p> <p>21 Q. Does the county have a policy or</p> <p>22 procedure, even if not in writing, about</p> <p>23 dissemination of county policies to elected</p> <p>24 officials?</p> <p>Page 70</p> <p>1 A. Yes.</p> <p>2 Q. And what is that policy or procedure?</p> <p>3 A. The same thing as we said, that they</p> <p>4 have to read it and they sign that they read it.</p> <p>5 Q. So all county policies are disseminated</p> <p>6 or should be disseminated to county elected</p> <p>7 officials?</p> <p>8 A. That is correct.</p> <p>9 Q. Okay.</p> <p>10 Is it the same kind of with employees,</p> <p>11 where when they are new, so when elected</p> <p>12 officials -- when they are newly elected, that</p> <p>13 they receive a copy of all policies in effect at</p> <p>14 the time of their taking office?</p> <p>15 A. That would be correct.</p> <p>16 Q. And do they -- elected officials,</p> <p>17 likewise, is it the county policy that elected</p> <p>18 officials are also to receive newly-implemented or</p> <p>19 revised policies during their -- during their</p> <p>20 terms?</p> <p>21 A. Yes.</p> <p>22 Q. Like employees, does the county utilize</p> <p>23 that same form to ensure they -- or to -- to</p> <p>24 memorialize their receipt of those</p> | <p>Page 71</p> <p>1 newly-implemented or revised policies?</p> <p>2 A. Yes.</p> <p>3 Q. What is the county's policy regarding</p> <p>4 the storage or retention of those signed receipt</p> <p>5 forms for policies?</p> <p>6 A. The policies would be related to the</p> <p>7 Pennsylvania Historical Museum Commission in terms</p> <p>8 of retention of certain particular documents.</p> <p>9 They would maintain them and they could dispose of</p> <p>10 them according to the Pennsylvania Historical</p> <p>11 Museum Commission.</p> <p>12 Q. So my question is more so: Where are</p> <p>13 they maintained?</p> <p>14 A. In the human resources office.</p> <p>15 Q. In each individual's personnel file or</p> <p>16 somewhere else?</p> <p>17 A. I don't know.</p> <p>18 Q. Who would know the answer to that</p> <p>19 question?</p> <p>20 A. I guess the human resources director.</p> <p>21 Q. Does the county currently have a human</p> <p>22 resources director?</p> <p>23 A. We do not.</p> <p>24 Q. Does the county currently have an</p> <p>Page 72</p> <p>1 interim or contractor in the human resources</p> <p>2 director position?</p> <p>3 A. We do.</p> <p>4 Q. And who is that?</p> <p>5 A. Ms. Kutzler.</p> <p>6 Q. Ms. Kutzler has worked for the county</p> <p>7 before her current contract or stint, correct?</p> <p>8 A. Correct.</p> <p>9 Q. Does Ms. Kutzler understand where</p> <p>10 documents stored in the HR department are to be</p> <p>11 stored properly?</p> <p>12 MS. JONES: I will object to the</p> <p>13 form.</p> <p>14 You can answer if you can.</p> <p>15 THE WITNESS: I would think so,</p> <p>16 yes.</p> <p>17 BY MS. SMITH:</p> <p>18 Q. Ms. Kutzler's contract is set to</p> <p>19 expire -- current contract is set to expire at</p> <p>20 some point, correct?</p> <p>21 A. Correct.</p> <p>22 Q. The county intends to hire a full-time</p> <p>23 employee for the position of HR director, correct?</p> <p>24 A. Correct.</p> |
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| <p>Page 73</p> <p>1 Q. And from where would that individual</p> <p>2 learn as to where receipt of policy forms are</p> <p>3 stored when they -- when they take over the</p> <p>4 position?</p> <p>5 A. Between -- in this particular instance,</p> <p>6 between Doreen and the remaining staff in the HR</p> <p>7 office. But I think, Ms. Smith, when -- when you</p> <p>8 had shown me my policy that times, I think my</p> <p>9 signature page was in my file if that's where you</p> <p>10 got it.</p> <p>11 Q. We're going to get to that because I</p> <p>12 don't know --</p> <p>13 A. I know, I don't ask you questions.</p> <p>14 Sorry about that.</p> <p>15 Q. We'll get to that.</p> <p>16 A. Okay.</p> <p>17 Q. We'll get to that.</p> <p>18 Does the county have any written policy</p> <p>19 or written procedure regarding the training of</p> <p>20 employees related to its sexual harassment policy?</p> <p>21 A. I am not aware of a written policy</p> <p>22 that's in a -- in a sheet like this.</p> <p>23 Q. Okay.</p> <p>24 But I think you did testify earlier that</p> | <p>Page 75</p> <p>1 new employee undergo sexual harassment training at</p> <p>2 the time they are hired and then how -- is it that</p> <p>3 they then go under -- undergo the training every</p> <p>4 two years or they undergo it whenever that next</p> <p>5 training is implemented?</p> <p>6 A. Whenever the next training is. So if</p> <p>7 that next training is six months, then they take</p> <p>8 it six months --</p> <p>9 Q. Again in six months to get on that same</p> <p>10 track?</p> <p>11 A. Otherwise it would be a nightmare to</p> <p>12 administer.</p> <p>13 Q. You would be doing trainings all the</p> <p>14 time?</p> <p>15 A. Yes.</p> <p>16 Q. Okay. That's what I figured, I just</p> <p>17 wanted to make the record clear. Thank you.</p> <p>18 Does the county have any written policy</p> <p>19 or written procedure regarding the training of</p> <p>20 employees related to its non-discrimination</p> <p>21 policy?</p> <p>22 A. That would be at the same time the</p> <p>23 sexual harassment training is done. There's parts</p> <p>24 in there that deal with discrimination.</p> |
| <p>Page 74</p> <p>1 sexual harassment training is conducted by the</p> <p>2 county, by non-written policy or procedure every</p> <p>3 two years?</p> <p>4 A. Correct.</p> <p>5 Q. Okay.</p> <p>6 Any other non-written procedures or</p> <p>7 policies that you can think of that the county has</p> <p>8 regarding training of employees for sexual</p> <p>9 harassment?</p> <p>10 A. Other than what I mentioned? No.</p> <p>11 Q. Other than that it happens every two</p> <p>12 years?</p> <p>13 A. No.</p> <p>14 Q. Okay.</p> <p>15 Does the county have any written policy</p> <p>16 or written procedure --</p> <p>17 A. Well, let -- let me back up there.</p> <p>18 Q. Sure.</p> <p>19 A. When a new employee comes in, they take</p> <p>20 the training at that time.</p> <p>21 Q. Okay. That's fair. Thank you.</p> <p>22 So the -- the non-written, but policy</p> <p>23 and procedure of the county, is that each current</p> <p>24 employee undergo training every two years and each</p>                                                                                          | <p>Page 76</p> <p>1 Q. Okay.</p> <p>2 So other than that two years and when</p> <p>3 you're hired, no other -- well, that's not in</p> <p>4 writing though, correct?</p> <p>5 A. Correct.</p> <p>6 Q. So there's no written policy, other than</p> <p>7 what we've looked at, regarding training of</p> <p>8 employees in non-discrimination, correct?</p> <p>9 A. Correct.</p> <p>10 Q. And the non-written for</p> <p>11 non-discrimination is the same as the non-written</p> <p>12 for sexual harassment?</p> <p>13 A. Correct.</p> <p>14 Q. Okay.</p> <p>15 Ask the same questions for</p> <p>16 anti-retaliation policies, does the county have</p> <p>17 any written policy or written procedure regarding</p> <p>18 the training of its employees related to</p> <p>19 anti-retaliation?</p> <p>20 A. That is covered in the sexual harassment</p> <p>21 training module, they talk about retaliation in</p> <p>22 there.</p> <p>23 Q. Okay.</p> <p>24 So no written policy about how employees</p>                                                                                                               |

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| <p>Page 77</p> <p>1 are to be trained or when they're to be trained?</p> <p>2 A. No.</p> <p>3 Q. Okay.</p> <p>4 Sounds like from your testimony, correct</p> <p>5 me if I'm wrong, there is a non-written policy or</p> <p>6 procedure of the county that they undergo the two</p> <p>7 years or when they're hired training, and that</p> <p>8 would be encompassed sexual harassment,</p> <p>9 non-retaliate -- non-discrimination, and</p> <p>10 anti-retaliation, correct?</p> <p>11 A. Yes.</p> <p>12 Q. Okay.</p> <p>13 I'm going to try and speed this up and</p> <p>14 lump this together. If you need me to break it</p> <p>15 down, I will.</p> <p>16 Does the county have any -- so same</p> <p>17 questions for elected officials, is there anything</p> <p>18 different for employees versus elected officials</p> <p>19 in the -- there being written policies about how</p> <p>20 they're trained on sexual harassment,</p> <p>21 discrimination, or retaliation?</p> <p>22 A. It would be the same as I described for</p> <p>23 employees.</p> <p>24 Q. So no written policy on how they are</p> | <p>Page 79</p> <p>1 BY MS. SMITH:</p> <p>2 Q. Other than what we've looked at, because</p> <p>3 some of those, candidly, include steps to be</p> <p>4 taken.</p> <p>5 A. They do.</p> <p>6 Q. So I am just trying to figure out if</p> <p>7 there's anything independent of those that</p> <p>8 dictates how a county employee, HR, or other</p> <p>9 employee is to conduct an investigation of a</p> <p>10 complaint of sexual harassment?</p> <p>11 A. Other than what's in here?</p> <p>12 Q. Other than what we've looked at.</p> <p>13 A. No.</p> <p>14 Q. Okay.</p> <p>15 Same questions, other than what we've</p> <p>16 looked at, is there any independent policies of</p> <p>17 the county written about how a county employee,</p> <p>18 HR, or otherwise is to conduct an invest -- an</p> <p>19 investigation of complaints of discrimination?</p> <p>20 A. No, other than what's here.</p> <p>21 Q. Okay.</p> <p>22 And same question for retaliation, other</p> <p>23 than what we've looked at, does the county</p> <p>24 maintain any written policy since 2012 as to</p> |
| <p>Page 78</p> <p>1 trained, just procedural policies in that every</p> <p>2 two years they undergo sexual harassment,</p> <p>3 discrimination, retaliation training and/or when</p> <p>4 they're elected and then thereafter?</p> <p>5 A. Correct.</p> <p>6 Q. Okay.</p> <p>7 So employees and elected officials, in</p> <p>8 the sense of sexual harassment, discrimination,</p> <p>9 and retaliation training, are the same?</p> <p>10 A. Yes.</p> <p>11 Q. Do the policies we looked at, at each of</p> <p>12 their times that they were in effect until the</p> <p>13 next revision came, did they apply to elected</p> <p>14 officials?</p> <p>15 A. Technically, yes, they apply to elected</p> <p>16 officials.</p> <p>17 Q. All right.</p> <p>18 Other than the policies we've looked at</p> <p>19 today, has the county at any time since 2012</p> <p>20 maintained any written policy or procedure</p> <p>21 regarding the conducting of investigations of</p> <p>22 complaints of sexual harassment?</p> <p>23 MS. JONES: I'm sorry. Did you</p> <p>24 preface that by other than what --</p>        | <p>Page 80</p> <p>1 conducting -- conducting an investigation into the</p> <p>2 complaint of retaliation?</p> <p>3 A. None, other than what we've described.</p> <p>4 Q. Okay.</p> <p>5 Any non-written policy that the county</p> <p>6 has about how an investigation -- we'll start with</p> <p>7 sexual harassment -- is to be conducted?</p> <p>8 A. No.</p> <p>9 Q. So whatever is written in the policies</p> <p>10 that we've looked at today, is the complete policy</p> <p>11 or procedure of the county regarding</p> <p>12 investigations into complaints of sexual</p> <p>13 harassment?</p> <p>14 MS. JONES: Object to the form.</p> <p>15 You may answer.</p> <p>16 THE WITNESS: No. But there is a</p> <p>17 work in progress.</p> <p>18 BY MS. SMITH:</p> <p>19 Q. What do you mean by that?</p> <p>20 A. In other words, we are beginning to look</p> <p>21 at implementations of particular policies.</p> <p>22 Q. Okay. And -- understood. I am not -- I</p> <p>23 won't put on the record why I think that is, but</p> <p>24 anyway.</p>                                |

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| <p>1 Okay.</p> <p>2 But -- so let's take this back. Prior</p> <p>3 to, let's say, the beginning of 2023, so prior to</p> <p>4 2023, was there any non-written policy or</p> <p>5 procedure of the county, other than what we've</p> <p>6 looked at, because those are in writing, any</p> <p>7 non-written policy or procedure regarding how an</p> <p>8 investigation into a complaint of sexual</p> <p>9 harassment is to be conducted?</p> <p>10 A. No.</p> <p>11 Q. Okay.</p> <p>12 Same question for discrimination, prior</p> <p>13 to 2023, so December 2022 back, did the county</p> <p>14 have any non-written policy or procedure regarding</p> <p>15 how investigations into complaints of</p> <p>16 discrimination were to be conducted?</p> <p>17 A. No.</p> <p>18 Q. Finally, prior to January 2023, did the</p> <p>19 county have any non-written policy or procedure</p> <p>20 regarding how investigations of complaints of</p> <p>21 retaliation were to be conducted?</p> <p>22 A. No.</p> <p>23 Q. What, if any, investigations has the</p> <p>24 county conducted regarding Jane Doe 1's reports</p> | Page 81 | <p>1 Q. What was determined in any of these</p> <p>2 investigations?</p> <p>3 A. That I'm not aware of a determination.</p> <p>4 Q. Was any video footage reviewed in any of</p> <p>5 the investigations?</p> <p>6 A. Of Jane Doe 1, no.</p> <p>7 Q. There was no video footage reviewed in</p> <p>8 any investigation -- during any investigation into</p> <p>9 Jane Doe 1's reports of discrimination?</p> <p>10 A. I'm not aware of any video.</p> <p>11 Q. I just want to make sure the record is</p> <p>12 clear.</p> <p>13 Video -- like video on like a tape that</p> <p>14 someone can watch now or video being reviewed,</p> <p>15 like footage being reviewed and played back on,</p> <p>16 like, the sheriff's cameras, for instance?</p> <p>17 A. Not that I'm aware of.</p> <p>18 Q. What, if any, investigations has the</p> <p>19 county conducted regarding Jane Doe 2's reports --</p> <p>20 any reports by Jane Doe 2 of -- reports and</p> <p>21 complaints by Jane Doe 2 of discrimination,</p> <p>22 including sexual harassment?</p> <p>23 A. Jane Doe 2 was interviewed and there --</p> <p>24 there was a -- there was an investigation.</p> | Page 83 |
| <p>1 and/or complaints of discrimination?</p> <p>2 A. Okay. Repeat that for me, please.</p> <p>3 Q. What, if any, investigations has the</p> <p>4 county conducted regarding Ms. Jane Doe 1's</p> <p>5 reports and complaints of discrimination, which in</p> <p>6 my definition, would include sexual harassment?</p> <p>7 A. They have been investigated by the human</p> <p>8 resources department.</p> <p>9 Q. How many investigations have been</p> <p>10 conducted by the county?</p> <p>11 A. I don't have an answer to that.</p> <p>12 Q. Is there a report for any of these</p> <p>13 investigations?</p> <p>14 A. They would be in her personnel file if</p> <p>15 there are, yes.</p> <p>16 Q. Are there reports that you know exist?</p> <p>17 A. I haven't looked at her personnel file.</p> <p>18 Q. Was anyone interviewed -- was anyone</p> <p>19 interviewed during the investigation -- any</p> <p>20 investigation the county conducted?</p> <p>21 A. That would be the procedure.</p> <p>22 Q. Do you know who was interviewed for any</p> <p>23 of these investigations?</p> <p>24 A. I do not.</p>  | Page 82 | <p>1 Q. One investigation or more than one?</p> <p>2 A. That I don't know.</p> <p>3 Q. Was there a report?</p> <p>4 A. I would think so, yes.</p> <p>5 Q. Do you know if there's a report?</p> <p>6 A. I -- I can't answer that.</p> <p>7 Q. So you can't answer, meaning you cannot</p> <p>8 affirmatively say there is a report?</p> <p>9 A. Correct. I haven't looked at any.</p> <p>10 Q. Do you know if anyone was inter --</p> <p>11 anyone was interviewed in connection with any</p> <p>12 investigation into any report or complaint of</p> <p>13 discrimination by Jane Doe 2?</p> <p>14 A. I don't know specifically.</p> <p>15 Q. Do you know --</p> <p>16 A. Now, Ms. Smith, are we going back to</p> <p>17 May 2020?</p> <p>18 Q. We are going back to any time during</p> <p>19 Jane Doe 2's employment with the county.</p> <p>20 A. Okay. So -- okay. So -- so it would be</p> <p>21 that initial investigation after May 20th?</p> <p>22 Q. Any other investigations during Jane Doe</p> <p>23 2's employment into any report or complaint by her</p> <p>24 of discrimination, including sexual harassment?</p>                                    | Page 84 |

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| <p>Page 85</p> <p>1 A. Outside of the initial report?</p> <p>2 Q. Yes.</p> <p>3 A. Okay.</p> <p>4 Q. Well, because now you've testified</p> <p>5 there's an initial report. So outside of that,</p> <p>6 what you called an initial investigation in May of</p> <p>7 2020, any others?</p> <p>8 A. I'm not aware of any.</p> <p>9 Q. Are you aware of any --</p> <p>10 A. Hold up -- hold up on that. There would</p> <p>11 have been the -- there was an investigative</p> <p>12 complaint when she was allegedly being followed.</p> <p>13 Q. Do you recall when that was?</p> <p>14 A. I don't have the date.</p> <p>15 Q. Was anyone interviewed?</p> <p>16 A. Yes. It would have been Jane Doe 3,</p> <p>17 Jane Doe 4, Sheriff Groody, and Jane Doe 2</p> <p>18 provided a -- a written statement.</p> <p>19 Q. Who interviewed Jane Doe 3?</p> <p>20 A. Ms. Zula.</p> <p>21 Q. Who interview Jane Doe 4?</p> <p>22 A. Ms. Zula.</p> <p>23 Q. Who interviewed Sheriff Groody?</p> <p>24 A. Ms. Zula.</p>                                                                                                                                                                                 | <p>Page 87</p> <p>1 MS. SMITH: Okay. Well, Counsel,</p> <p>2 this is not proper under the federal rules. Your</p> <p>3 client has been instructed as to what he can and</p> <p>4 cannot do.</p> <p>5 MS. JONES: I'll ask him questions</p> <p>6 then.</p> <p>7 MS. SMITH: Okay.</p> <p>8 MS. JONES: Just I thought his</p> <p>9 reaction was obvious, so you might want to follow</p> <p>10 up. But if you don't want to, I will.</p> <p>11 BY MS. SMITH:</p> <p>12 Q. Was any video footage reviewed regarding</p> <p>13 this incident?</p> <p>14 A. Not that I'm aware of.</p> <p>15 Q. Are you aware that Jane Doe 2 alleged</p> <p>16 that she took pictures on her county-issued iPad</p> <p>17 of being followed by Commissioner Halcovage?</p> <p>18 A. I think that was in her report.</p> <p>19 Q. Did anyone on behalf of the county</p> <p>20 attempt to recover any images from Jane Doe 2's</p> <p>21 county-issued iPad?</p> <p>22 A. I'm in aware of that.</p> <p>23 Q. Was Jane Doe 2 -- did anyone at the</p> <p>24 county ask Jane Doe 2 for her iPad to attempt to</p> |
| <p>Page 86</p> <p>1 Q. Who inter -- and you said Jane Doe 2</p> <p>2 provided a written statement. Was that a written</p> <p>3 statement that the county -- someone at the county</p> <p>4 helped her prepare or one that she provided on her</p> <p>5 own?</p> <p>6 A. I think you had prepared that.</p> <p>7 Q. And when you said when she was allegedly</p> <p>8 being followed, do you know who she alleged she</p> <p>9 was being followed by?</p> <p>10 A. Commissioner Halcovage.</p> <p>11 Q. And do you know if this is the</p> <p>12 incident -- we'll call it an alleged incident, the</p> <p>13 event that Commissioner -- when Commissioner</p> <p>14 Halcovage alleged that he was at a funeral?</p> <p>15 A. Correct.</p> <p>16 Q. It was on a day of a commissioner's</p> <p>17 meeting, he wasn't at the commissioner's meeting</p> <p>18 and he alleges he was at a funeral?</p> <p>19 A. That is correct.</p> <p>20 MS. JONES: Catherine, in light of</p> <p>21 the witness's answer about Jane Doe 2 and not</p> <p>22 realizing and excluding the May 2020</p> <p>23 investigation, I think he did not anticipate that</p> <p>24 as part of your initials questions.</p> | <p>Page 88</p> <p>1 obtain, recover, preserve, clone any images?</p> <p>2 A. I'm not aware of that.</p> <p>3 Q. Were any documents, any sort of</p> <p>4 document, picture, text message, e-mail, anything,</p> <p>5 any evidence, I should could call it, not just</p> <p>6 document, any evidence provided by Defendant</p> <p>7 Halcovage to the county in support of his position</p> <p>8 regarding the incident?</p> <p>9 A. Outside of written -- written comments,</p> <p>10 I don't think so.</p> <p>11 Q. But he did provide a written statement</p> <p>12 --</p> <p>13 A. Yes.</p> <p>14 Q. -- of his version of the events?</p> <p>15 A. Yes.</p> <p>16 Q. Okay.</p> <p>17 And who did he provide that to?</p> <p>18 A. Ms. Zula.</p> <p>19 Q. Did he prepare it on his own or with Ms.</p> <p>20 Zula's assistance?</p> <p>21 A. On his own.</p> <p>22 MS. SMITH: Let's just take a quick</p> <p>23 break.</p> <p>24 Matt, we can go off the record.</p>                                                                                                                     |

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| <p style="text-align: right;">Page 89</p> <p>1 Aleisha, we can go off the record.</p> <p>2 VIDEOGRAPHER: The time is now</p> <p>3 10:28 a.m. and we're going off the record.</p> <p>4 - - -</p> <p>5 (Whereupon, brief recess was held off</p> <p>6 the record.)</p> <p>7 - - -</p> <p>8 VIDEOGRAPHER: The time is now</p> <p>9 10:38 a.m. and we are back on the record.</p> <p>10 BY MS. SMITH:</p> <p>11 Q. Mr. Bender, before the break, you were</p> <p>12 testifying on behalf of the county about Jane Doe</p> <p>13 2's -- any reports or complaints of discrimination</p> <p>14 by Jane Doe 2. And you testified about an initial</p> <p>15 investigation, May of 2020, and then this other</p> <p>16 complaint of her being followed.</p> <p>17 Are there any other investigations the</p> <p>18 county has conducted during Jane Doe 2's</p> <p>19 employment into reports or complaints by her of</p> <p>20 discrimination?</p> <p>21 MS. JONES: Object to the form.</p> <p>22 You can answer.</p> <p>23 THE WITNESS: Okay. Can -- can I</p> <p>24 just back up a little bit to clarify things? You</p>               | <p style="text-align: right;">Page 91</p> <p>1 Defendant Halcovage, correct?</p> <p>2 A. Correct.</p> <p>3 Q. Any there any others?</p> <p>4 A. There would be a complaint that they</p> <p>5 said Mr. Halcovage was driving past their window</p> <p>6 and taking pictures.</p> <p>7 Q. Who is they?</p> <p>8 A. Jane Doe 1 and Jane Doe 2.</p> <p>9 Q. Okay.</p> <p>10 Was this investigated by the county?</p> <p>11 A. It was.</p> <p>12 Q. By whom?</p> <p>13 A. Ms. Zula.</p> <p>14 Q. What, if any -- who, if anyone, did she</p> <p>15 interview in connection with this?</p> <p>16 A. She would have talked to Commissioner</p> <p>17 Halcovage and she would have talked to Jane Doe 2</p> <p>18 and Jane Doe 1.</p> <p>19 Q. Did she obtain statements from any of</p> <p>20 those individuals?</p> <p>21 A. Beg your pardon.</p> <p>22 Q. Did she obtain statements from any of</p> <p>23 those individuals?</p> <p>24 A. I would think so, yes.</p>                                                                                                                                             |
| <p style="text-align: right;">Page 90</p> <p>1 know, it -- the only reason we're here today is</p> <p>2 because that May 20th complaint.</p> <p>3 So when you ask me, did you ever hear of</p> <p>4 a complaint, you're also referring to this</p> <p>5 May 20th complaint?</p> <p>6 BY MS. SMITH:</p> <p>7 Q. I'm asking what the county has done</p> <p>8 during each of these individuals employments. So</p> <p>9 right now we're talking about Jane Doe 2.</p> <p>10 A. Okay.</p> <p>11 Q. So I want to know what the county has</p> <p>12 done regarding -- if the county has conducted any</p> <p>13 investigations, and if so, which ones, when, and</p> <p>14 then follow-up questions, into complaints or</p> <p>15 reports of discrimination by Jane Doe 2?</p> <p>16 A. Okay. Then we can back up to the</p> <p>17 May 20th, the initial complaint.</p> <p>18 Q. Okay.</p> <p>19 So that's the initial investigation in</p> <p>20 May of 2020, that you referred to?</p> <p>21 A. Correct.</p> <p>22 Q. Okay.</p> <p>23 And then we have this other one of an</p> <p>24 allegation that she was being followed by</p> | <p style="text-align: right;">Page 92</p> <p>1 Q. Were they written?</p> <p>2 A. Yes.</p> <p>3 Q. Did she take notes?</p> <p>4 A. I would think so, yes.</p> <p>5 Q. Did she review any surveillance footage?</p> <p>6 A. The sheriff did.</p> <p>7 Q. Which sheriff?</p> <p>8 A. Chief Deputy Tobin.</p> <p>9 Q. Was that video preserved?</p> <p>10 A. There was nothing on the video. They</p> <p>11 couldn't see from the -- the cameras on that --</p> <p>12 that window.</p> <p>13 Q. Well, there was camera footage, correct?</p> <p>14 A. They looked at camera footage, yes.</p> <p>15 Q. And was that footage, which you're</p> <p>16 testifying indicates nothing relevant or useful</p> <p>17 exists, was that preserved?</p> <p>18 A. That I don't know.</p> <p>19 Q. Other than speaking to Defendant</p> <p>20 Halcovage, Jane Doe 2, Jane Doe 1, and then this</p> <p>21 review of surveillance by Deputy Chief Tobin, was</p> <p>22 there any -- was anything else conducted, any</p> <p>23 other investigation conducted or any other action</p> <p>24 taken during the investigation?</p> |



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| <p>Page 93</p> <p>1 A. On that investigation?</p> <p>2 Q. For that incident.</p> <p>3 A. No.</p> <p>4 Q. Any others -- any other investigations</p> <p>5 by the county into reports or complaints of</p> <p>6 discrimination by Jane Doe 2 during her</p> <p>7 employment?</p> <p>8 A. There was a complaint by Jane Doe 2 and</p> <p>9 Jane Doe 1, well, that other one was as well, that</p> <p>10 when Mr. Hatter was down, they felt he acted in --</p> <p>11 in an inappropriate manner.</p> <p>12 Q. Who investigated that on behalf of the</p> <p>13 county?</p> <p>14 A. Ms. Zula.</p> <p>15 Q. Who was interviewed, if anyone?</p> <p>16 A. Mr. Hatter, Jane Doe 2, and Jane Doe 1.</p> <p>17 Q. Did Ms. Zula or anyone on behalf of the</p> <p>18 county obtain written statements from any of those</p> <p>19 individuals?</p> <p>20 A. I would think so, yes.</p> <p>21 Q. Did she take -- did Ms. Zula or anyone</p> <p>22 on behalf of the county take written notes during</p> <p>23 those interviews?</p> <p>24 A. I would think so, yes.</p> | <p>Page 95</p> <p>1 because the May 20th investigation.</p> <p>2 Q. Did she instruct you to supplement your</p> <p>3 answer as it relates to Jane Doe 1?</p> <p>4 A. She said think hard to make sure that</p> <p>5 I'm being correct.</p> <p>6 Q. Did she tell to supplement your answer</p> <p>7 with additional investigation --</p> <p>8 A. If I knew something, yes.</p> <p>9 Q. Did she remind you of the Kent Hatter</p> <p>10 investigation?</p> <p>11 A. No.</p> <p>12 Q. Did she remind you of the driving past</p> <p>13 the windows investigation?</p> <p>14 A. No.</p> <p>15 Q. Other than those two now that you've</p> <p>16 testified to regarding Jane Doe 1 in the initial</p> <p>17 May of 2020 investigation, are there any other</p> <p>18 reports or complaint of discrimination by Jane Doe</p> <p>19 1 that the county has investigated?</p> <p>20 MS. JONES: I'm sorry. Did she say</p> <p>21 including the May 2020.</p> <p>22 MS. SMITH: Other than.</p> <p>23 MS. JONES: Okay.</p> <p>24 MS. SMITH: So I will be clear.</p>                                                                                                               |
| <p>Page 94</p> <p>1 Q. Was there any video footage reviewed for</p> <p>2 that investigation?</p> <p>3 A. No.</p> <p>4 Q. Any others?</p> <p>5 A. On Jane Doe 2?</p> <p>6 Q. Yes. Any other investigations conducted</p> <p>7 by the county into complaints or reports of</p> <p>8 discrimination --</p> <p>9 A. I'm not aware of any others.</p> <p>10 Q. Okay.</p> <p>11 Now, you just testified to two other --</p> <p>12 two incidents involving Jane Doe 1. I had asked</p> <p>13 you earlier about Jane Doe 1 and her reports and</p> <p>14 complaints of discrimination.</p> <p>15 Are you now supplementing your answer</p> <p>16 with there's two incidents?</p> <p>17 A. Yes.</p> <p>18 Q. Okay.</p> <p>19 Did you have a conversation with your</p> <p>20 attorney about your testimony during the break?</p> <p>21 A. Yes. She reminded me I'm speaking too</p> <p>22 fast and that I am here not as Gary Bender, I am</p> <p>23 here representing the county. And just I was</p> <p>24 confused, because the only reason we're here is</p>        | <p>Page 96</p> <p>1 BY MS. SMITH:</p> <p>2 Q. So other than the May of 2020 initial</p> <p>3 investigation and the two that you just mentioned</p> <p>4 when we were speaking about Jane Doe 2, are there</p> <p>5 any other investigations that the county has</p> <p>6 conducted regarding Jane Doe 1's reports or</p> <p>7 complaints of discrimination?</p> <p>8 A. I can't think of any. There's an active</p> <p>9 investigation right now.</p> <p>10 Q. Into a complaint of what?</p> <p>11 A. It's something an attorney is</p> <p>12 investigating. It's an internal office thing that</p> <p>13 it was -- she's stating Mr. Hatter had opened a</p> <p>14 piece of her mail that was on her desk.</p> <p>15 Q. That's an active investigation?</p> <p>16 A. It is.</p> <p>17 Q. Okay.</p> <p>18 Moving on to -- so let me just make sure</p> <p>19 we can close the door on that.</p> <p>20 Are there any others that you can think</p> <p>21 of -- any other investigations by the county that</p> <p>22 have been conducted into complaints or reports of</p> <p>23 discrimination by Jane Doe 1 or Jane Doe 2 or have</p> <p>24 we covered them all?</p> |

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| <p>Page 97</p> <p>1 A. I can't think of any others.</p> <p>2 Q. Okay.</p> <p>3 So moving on to Jane Doe 4. Are --</p> <p>4 what, if any, investigations has the county</p> <p>5 conducted regarding any report or complaint of</p> <p>6 discrimination by Jane Doe 4?</p> <p>7 A. Well, she was interviewed by Ms. Twigg</p> <p>8 back in -- in May of '20, and I think Mr. Roth was</p> <p>9 in on that interview as well.</p> <p>10 Q. Okay.</p> <p>11 Any other investigations conducted by</p> <p>12 the county at any time during Jane Doe 4's</p> <p>13 employment into complaints or reports of</p> <p>14 discrimination?</p> <p>15 MS. JONES: Object to the form.</p> <p>16 You can answer.</p> <p>17 THE WITNESS: I can't think of any.</p> <p>18 BY MS. SMITH:</p> <p>19 Q. Moving on to Jane Doe 3. At any point</p> <p>20 during her employment, has the county conducted</p> <p>21 any investigation into a complaint or a report of</p> <p>22 discrimination by her?</p> <p>23 A. Again, she would have been interviewed</p> <p>24 by Mr. Roth and Ms. Twigg on May 20th.</p> | <p>Page 99</p> <p>1 A. I think the e-mail was -- was -- was</p> <p>2 what was recorded.</p> <p>3 Q. Okay.</p> <p>4 So the e-mail was saved or preserved in</p> <p>5 some way?</p> <p>6 A. Yes.</p> <p>7 Q. Is that what I'm understanding?</p> <p>8 A. Uh-hum.</p> <p>9 Q. Other than preserving the e-mail, was</p> <p>10 any action taken to look into, to interview</p> <p>11 anyone, to review any video, to do any type of</p> <p>12 investigation regarding what she said, Jane Doe 3</p> <p>13 said in that e-mail?</p> <p>14 A. Mr. Marshall sent her a letter outlining</p> <p>15 the policy.</p> <p>16 Q. Do you know who drafted the letter that</p> <p>17 Mr. Marshall sent?</p> <p>18 A. Mr. Marshall.</p> <p>19 Q. Do you know who sent the letter that --</p> <p>20 A. Mr. Marshall.</p> <p>21 Q. Not Mr. Marshall's law firm's personal</p> <p>22 secretary?</p> <p>23 A. Well, that I don't know.</p> <p>24 Q. Okay.</p>                           |
| <p>Page 98</p> <p>1 Q. Okay.</p> <p>2 Other than that, is there any other</p> <p>3 investigation by the county that you are aware of</p> <p>4 during Ms. -- you the county are aware of, because</p> <p>5 you're speaking as the county, that was conducted</p> <p>6 into reports or complaints of discrimination by</p> <p>7 Jane Doe 3?</p> <p>8 MS. JONES: Object to the form.</p> <p>9 You can answer.</p> <p>10 THE WITNESS: Think she made a</p> <p>11 complaint about the hiring in the clerk of courts</p> <p>12 office, but I don't particularly know that it was</p> <p>13 a harassment complaint or a discrimination.</p> <p>14 BY MS. SMITH:</p> <p>15 Q. Okay. Well, let's talk about it since</p> <p>16 you mentioned it.</p> <p>17 Was it investigated by the county?</p> <p>18 A. I think we just received her e-mail on</p> <p>19 that.</p> <p>20 Q. Okay.</p> <p>21 Was there any investigation --</p> <p>22 A. I don't think there was an</p> <p>23 investigation, per se.</p> <p>24 Q. What do you mean by per se?</p>                                                  | <p>Page 100</p> <p>1 So do you -- do you know who sent the</p> <p>2 letter to Jane Doe 3?</p> <p>3 MS. JONES: Object to the form.</p> <p>4 You can answer if you know.</p> <p>5 THE WITNESS: Who actually placed</p> <p>6 it in the mail?</p> <p>7 BY MS. SMITH:</p> <p>8 Q. Well, was it mailed, was it e-mailed,</p> <p>9 was it carrier pigeon?</p> <p>10 MS. JONES: I object to the form.</p> <p>11 You can answer if you can.</p> <p>12 THE WITNESS: Ms. -- I'm going to</p> <p>13 have to guess and I don't want to do that.</p> <p>14 BY MS. SMITH:</p> <p>15 Q. Well, and I don't want you to guess</p> <p>16 either. So I would like an answer. If that</p> <p>17 answer is I don't know, that that's your answer.</p> <p>18 A. That would be it.</p> <p>19 Q. Okay.</p> <p>20 So you don't know in what form the</p> <p>21 letter was sent to Jane Doe 3?</p> <p>22 A. I do not.</p> <p>23 Q. Okay.</p> <p>24 And do you know who sent Jane Doe 3 the</p> |

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| <p>1 letter?</p> <p>2 A. Either Mr. Marshall or Mr. Marshall's</p> <p>3 office.</p> <p>4 Q. Mr. Marshall's office being his law</p> <p>5 firm, personal private law firm, or the</p> <p>6 solicitor's office?</p> <p>7 A. That I don't know.</p> <p>8 Q. So you do not know who sent Jane Doe 3</p> <p>9 the letter?</p> <p>10 MS. JONES: Object to the form. I</p> <p>11 think he's answered that as best he could.</p> <p>12 THE WITNESS: That would be</p> <p>13 correct.</p> <p>14 BY MS. SMITH:</p> <p>15 Q. Other than the May of 2020 investigation</p> <p>16 and this e-mail that Jane Doe 3 sent and</p> <p>17 Mr. Marshall responded to that we were just</p> <p>18 discussing, are there any other investigations the</p> <p>19 county had conducted regarding Ms. -- any report</p> <p>20 by Jane Doe 3 of complaints of discrimination?</p> <p>21 A. Not that I'm aware of.</p> <p>22 Q. I'm going to move on to retaliation</p> <p>23 complaints. So we are going to go through some of</p> <p>24 similar questions.</p>                                                                                                                                                           | <p>Page 101</p> <p>1 conducted any investigations into complaints or</p> <p>2 reports by Jane Doe 2 of retaliation?</p> <p>3 A. I'm not aware of an investigation.</p> <p>4 Q. Again, again, other than the May 2020</p> <p>5 investigation, has the county conducted -- and</p> <p>6 when -- just so the record is clear, I want to</p> <p>7 make sure that we define May 2020 investigation.</p> <p>8 This is the report -- the investigation that was</p> <p>9 conducted by Ms. Twigg and Mr. Roth, you sat in --</p> <p>10 Mr. Bender sat in on an interview in which</p> <p>11 numerous individuals were interviewed, reports</p> <p>12 were drafted, press releases were issued in --</p> <p>13 regarding the complaints of Jane Doe 1, Jane Doe</p> <p>14 2, Jane Doe 3, and Jane Doe 4 related to</p> <p>15 discrimination, retaliation, harassment by the</p> <p>16 county and other county officials, correct?</p> <p>17 A. Correct.</p> <p>18 Q. Okay.</p> <p>19 So other than that, has the county</p> <p>20 conducted any investigation into reports or</p> <p>21 complaints of retaliation by Jane Doe 4?</p> <p>22 A. I don't know of any investigations.</p> <p>23 Q. What, if any, investigations has the</p> <p>24 county conducted into reports or complaints of</p> |
| <p>Page 102</p> <p>1 What, if any, investigations has the</p> <p>2 county conducted regarding any report or complaint</p> <p>3 of retaliation by Jane Doe 1? And this is at any</p> <p>4 time during her employment.</p> <p>5 A. Well, the May 20th complaint was -- was</p> <p>6 on sexual harassment.</p> <p>7 Q. Okay.</p> <p>8 A. I don't know that that involved</p> <p>9 retaliation.</p> <p>10 Q. Okay. That's fair.</p> <p>11 Other than that May of 2020, which I</p> <p>12 think we've previous at depositions, the documents</p> <p>13 are fully fleshed out, so I won't ask you any</p> <p>14 questions about that. But other than that one,</p> <p>15 whether we classify that as sexual harassment or</p> <p>16 retaliation or discrimination or all of the above,</p> <p>17 other than that, is there any other investigations</p> <p>18 that the county has conducted into complaints or</p> <p>19 reports of retaliation by Jane Doe 1?</p> <p>20 A. I don't know of any other</p> <p>21 investigations.</p> <p>22 Q. Same question for Jane Doe 2. So,</p> <p>23 again, I will preface this question with, other</p> <p>24 than the May 2020 investigation, has the county</p> | <p>Page 103</p> <p>1 retaliation by Jane Doe 3, other than the May of</p> <p>2 2020 investigation?</p> <p>3 A. I'm not aware of any investigations.</p> <p>4 Q. Has the county -- when I -- strike that.</p> <p>5 Has the county employed or utilized a</p> <p>6 third party to conduct any investigation into any</p> <p>7 complaints or reports of retaliation by the</p> <p>8 plaintiffs?</p> <p>9 A. Yes.</p> <p>10 Q. Okay.</p> <p>11 When?</p> <p>12 A. Say in -- some time in -- in '21.</p> <p>13 Q. Who was to third party?</p> <p>14 A. That was an attorney from Hubric</p> <p>15 Resources or Hubric Resources referred us to an</p> <p>16 attorney, Mr. Bergonzi.</p> <p>17 Is that name familiar to you? Well, no.</p> <p>18 Strike that.</p> <p>19 Q. Are you referring to Peter Bergonzi?</p> <p>20 A. Yes.</p> <p>21 Q. You believe he's an attorney?</p> <p>22 A. I don't know that specifically.</p> <p>23 Q. Okay.</p> <p>24 And what -- who referred or obtained the</p>                                                                                                                                                                                                                                                                                           |

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| <p style="text-align: right;">Page 105</p> <p>1 services of Hubric Resources for investigation,<br/>2 that investigation?<br/>3 A. The county.<br/>4 Q. Who at the county?<br/>5 A. Me, Gary Bender.<br/>6 Q. And whose complaints -- or Mr. -- was<br/>7 Mr. Bergonzi investigating?<br/>8 A. Let's back up. When I say me, keep in<br/>9 mind if it was a contract, that contract would<br/>10 have had to been approved by the board of<br/>11 commissioners.<br/>12 Q. So when Mr. Bergonzi investigated<br/>13 whatever he was investigated, because we haven't<br/>14 gotten to that point yet in the testimony, that<br/>15 investigation was pursuant to a contract?<br/>16 A. We would have had some way to pay him,<br/>17 whether it be -- so he would have had to have a<br/>18 contract.<br/>19 Q. So Mr. Bergonzi had a contract with the<br/>20 county?<br/>21 A. I can't answer that.<br/>22 Q. Okay.<br/>23 So --<br/>24 A. He was paid.</p>                                                                  | <p style="text-align: right;">Page 107</p> <p>1 talked about Jane Doe 3, Jane Doe 4, Jane Doe 2,<br/>2 and Jane Doe 1's reports of retaliation. And you<br/>3 answered -- and the county's investigation thereof<br/>4 and you answered no to each of them, other than<br/>5 the May 2020 investigation. But now you're<br/>6 telling me about this Hubric Resources.<br/>7 So when I ask you about the county, and<br/>8 you can supplement your answer if you need to, we<br/>9 have now talked about the Bergonzi investigation.<br/>10 When I'm talking about the county, I want to know,<br/>11 has the county, meaning any employee, agent,<br/>12 representative, third party utilized to conduct<br/>13 investigations, including Hubric Resources<br/>14 employee, Doreen Kutzler, who was assigned there,<br/>15 is there anyone else on behalf of the county who<br/>16 conducted investigations into any complaints of<br/>17 retaliation by any of the four plaintiffs, other<br/>18 than the May 2020 and other than the Bergonzi that<br/>19 we just talked about?<br/>20 MS. JONES: Object to the form.<br/>21 You may answer.<br/>22 THE WITNESS: We do have someone<br/>23 contracted now.<br/>24 BY MS. SMITH:</p> |
| <p style="text-align: right;">Page 106</p> <p>1 Q. Okay.<br/>2 Did the commissioners approve -- have to<br/>3 approve the investigation being conducted by<br/>4 Mr. Bergonzi?<br/>5 A. They approve a contract.<br/>6 Q. Okay.<br/>7 A. And it could have been billed through --<br/>8 you know, it could have been billed through<br/>9 Hubric. I don't -- I don't know. It could have<br/>10 been billed through Hubric.<br/>11 Q. Okay.<br/>12 What was Mr. Bergonzi investigating?<br/>13 A. There was a complaint by Jane Doe 3, she<br/>14 received a written warning and she wanted another<br/>15 investigator to -- to look at that and review it.<br/>16 Q. Okay.<br/>17 A. And so we complied with that request.<br/>18 Q. Okay.<br/>19 Other than this complaint by Jane Doe 3<br/>20 about -- other than this complaint by Jane Doe 3,<br/>21 was Mr. Bergonzi tasked with conducting any other<br/>22 investigations on behalf of the county?<br/>23 A. No.<br/>24 Q. So I just want to go back, because we</p> | <p style="text-align: right;">Page 108</p> <p>1 Q. Okay.<br/>2 Is that McNees? And McNees, I forget<br/>3 the rest of law firm's name.<br/>4 A. McNees &amp; Wallace.<br/>5 Q. McNees &amp; Wallace, yes.<br/>6 Is that who you are referring to?<br/>7 A. Yes.<br/>8 Q. Okay.<br/>9 And that's an ongoing investigation,<br/>10 correct?<br/>11 A. It is.<br/>12 Q. Okay.<br/>13 Other than that ongoing investigation,<br/>14 the May of 2020 investigation, and what you<br/>15 believe was 2021 or whenever that was, the Peter<br/>16 Bergonzi investigation, are there any other<br/>17 investigations by the county, its agents, its<br/>18 employee, its representatives, third parties that<br/>19 were retained by the county, into complaints of<br/>20 retaliation or reports of retaliation by -- made<br/>21 by any of the plaintiffs?<br/>22 MS. JONES: Object to the form.<br/>23 You may answer.<br/>24 THE WITNESS: Not that I'm aware</p>                                                                                                                                                                                                                                                                          |



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| <p style="text-align: right;">Page 109</p> <p>1 of. And, however, the one by Mr. Bergonzi wasn't</p> <p>2 necessarily retaliation or harassment.</p> <p>3 BY MS. SMITH:</p> <p>4 Q. Okay.</p> <p>5 But you brought it up, so I just want</p> <p>6 to --</p> <p>7 A. Okay.</p> <p>8 Q. Even if we classify it as such, there's</p> <p>9 no others that you can think of that we haven't</p> <p>10 covered that could potentially be classified as</p> <p>11 retaliation investigations?</p> <p>12 MS. JONES: Same objection.</p> <p>13 You may answer.</p> <p>14 THE WITNESS: She said yes?</p> <p>15 BY MS. SMITH:</p> <p>16 Q. Yes. She said yes, you can answer.</p> <p>17 A. Not that I'm aware of.</p> <p>18 Q. Okay.</p> <p>19 MS. SMITH: And I think we -- Matt,</p> <p>20 if you can pull up 213 for me.</p> <p>21 ---</p> <p>22 (Previously marked Exhibit-213.)</p> <p>23 ---</p> <p>24 BY MS. SMITH:</p>                                                                                                                                                                                                                     | <p style="text-align: right;">Page 111</p> <p>1 all times that Jane Doe 1 held that position,</p> <p>2 correct?</p> <p>3 A. I would think so, yes.</p> <p>4 MS. SMITH: All right. Matt, if</p> <p>5 you can pull up 182.</p> <p>6 ---</p> <p>7 (Previously marked Exhibit-182.)</p> <p>8 ---</p> <p>9 BY MS. SMITH:</p> <p>10 Q. This is the job -- the county's job</p> <p>11 classification description for the position of</p> <p>12 field appraiser. If we look to the second page,</p> <p>13 which was implemented in February of 2019,</p> <p>14 correct?</p> <p>15 A. That's what it states, yes.</p> <p>16 Q. Prior to February of 2019, did the</p> <p>17 county have a job classification description for</p> <p>18 the position of field appraiser?</p> <p>19 A. Yes.</p> <p>20 Q. Okay.</p> <p>21 This doesn't indicate this is a revision</p> <p>22 of any?</p> <p>23 A. It does not.</p> <p>24 Q. Okay.</p>                                         |
| <p style="text-align: right;">Page 110</p> <p>1 Q. This document is a job classification</p> <p>2 description, which if we look at the last of these</p> <p>3 three pages, appears to have been implemented on</p> <p>4 January 14, 2009, and then revised on</p> <p>5 December 1996.</p> <p>6 Am I reading this document accurately?</p> <p>7 A. It appears it, yes.</p> <p>8 Q. Has the county made any revisions to</p> <p>9 this -- and it's -- it's -- so the record is</p> <p>10 clear, this is a job classification description</p> <p>11 for the position of real estate and market</p> <p>12 analyst, correct?</p> <p>13 A. That's what it states, yes.</p> <p>14 Q. Has the county made any revisions to</p> <p>15 this job classification description since December</p> <p>16 of 1996?</p> <p>17 MS. JONES: I will object to the</p> <p>18 form.</p> <p>19 But you can answer.</p> <p>20 THE WITNESS: I'm not aware of any.</p> <p>21 BY MS. SMITH:</p> <p>22 Q. This was the job classification</p> <p>23 description for the position that Jane Doe 1 --</p> <p>24 for the position of real estate market analyst at</p> | <p style="text-align: right;">Page 112</p> <p>1 So was it -- this was not a revision and</p> <p>2 it was -- why -- if there was one that existed</p> <p>3 before February of 2019, why is there no</p> <p>4 indication this is a revision to that?</p> <p>5 MS. JONES: Object to the form.</p> <p>6 But you can answer.</p> <p>7 THE WITNESS: I don't have -- I</p> <p>8 don't know.</p> <p>9 BY MS. SMITH:</p> <p>10 Q. Okay.</p> <p>11 Has the county made any revisions to</p> <p>12 this job classification description since</p> <p>13 February of 2019?</p> <p>14 A. Not that I'm aware of.</p> <p>15 Q. This was the job classification</p> <p>16 description for the position of field appraiser at</p> <p>17 all times Jane Doe 2 has held that position,</p> <p>18 correct?</p> <p>19 A. I would think so, yes.</p> <p>20 MS. SMITH: Matt, if you can pull</p> <p>21 up 218.</p> <p>22 ---</p> <p>23 (Previously marked Exhibit-218.)</p> <p>24 ---</p> |



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| <p>Page 113</p> <p>1 BY MS. SMITH:</p> <p>2 Q. This is the county's job classification</p> <p>3 description that was implemented in June 1994, if</p> <p>4 you look to the second page and then revised on</p> <p>5 March 4, 2008, correct?</p> <p>6 A. That's what it states, yes.</p> <p>7 Q. Has the county made any revisions to</p> <p>8 this job classification since March 4, 2008?</p> <p>9 A. Not that I'm aware of.</p> <p>10 Q. This was the job classification</p> <p>11 description for the position of tax claim bureau</p> <p>12 assistant director at all times that Jane Doe 4</p> <p>13 held that position, correct?</p> <p>14 A. I would think so, yes.</p> <p>15 Q. Is the assistant director of tax claim</p> <p>16 bureau sometimes also referred to as deputy</p> <p>17 director?</p> <p>18 A. Yeah, I think they would be one in the</p> <p>19 same, yes.</p> <p>20 Q. Okay.</p> <p>21 There's no -- the county has no separate</p> <p>22 or distinct job classification description for</p> <p>23 deputy director of tax claim, correct?</p> <p>24 A. Not that I'm aware of, no.</p> | <p>Page 115</p> <p>1 tax claim and assistant director of tax</p> <p>2 assessment, became two distinct positions again,</p> <p>3 correct?</p> <p>4 A. That would be correct.</p> <p>5 Q. Okay.</p> <p>6 And we just looked at the assistant</p> <p>7 director of tax bureau -- claim bureau. Would</p> <p>8 that now be the controlling job description for</p> <p>9 that independent position again?</p> <p>10 A. I would think so, yes.</p> <p>11 Q. Okay.</p> <p>12 Is there an assistant director in tax</p> <p>13 assessment or what I think is also commonly</p> <p>14 referred to as the assistant chief assessor?</p> <p>15 A. Correct.</p> <p>16 Q. Is there a job description for that</p> <p>17 position?</p> <p>18 A. I would think so, yes.</p> <p>19 Q. And for a period of time between, I</p> <p>20 think, March of 2021 and June or July of 2021,</p> <p>21 Jane Doe 4 held the position of assistant chief</p> <p>22 assessor, correct?</p> <p>23 A. Between what time frame?</p> <p>24 Q. March of 2021, until June or July, I</p> |
| <p>Page 114</p> <p>1 Q. Okay?</p> <p>2 MS. SMITH: Matt, if you can pull</p> <p>3 up 219.</p> <p>4 - - -</p> <p>5 (Previously marked Exhibit-219)</p> <p>6 - - -</p> <p>7 BY MS. SMITH:</p> <p>8 Q. This is the county's job classification</p> <p>9 description for the position -- somewhat dual</p> <p>10 position of assistant director of both tax claim</p> <p>11 and tax assessment that was implemented in May, if</p> <p>12 we look to the second page of 2019, correct?</p> <p>13 A. Correct.</p> <p>14 Q. Has the county made any revisions to</p> <p>15 this job classification description since May of</p> <p>16 2019?</p> <p>17 A. This position doesn't exist.</p> <p>18 Q. Okay.</p> <p>19 So this position was recently -- in</p> <p>20 March of 2021, eliminated, correct?</p> <p>21 A. Correct.</p> <p>22 Q. Okay.</p> <p>23 When it was eliminated, the positions --</p> <p>24 what are two positions here, assistant director of</p>                                                                                                                                                     | <p>Page 116</p> <p>1 think, of 2021, for a period after her demotion or</p> <p>2 from the position -- the dual position, she</p> <p>3 remained in tax assessment as the assistant chief</p> <p>4 assessor, correct?</p> <p>5 MS. JONES: Object to the form.</p> <p>6 You can answer.</p> <p>7 THE WITNESS: Yes.</p> <p>8 BY MS. SMITH:</p> <p>9 Q. Okay.</p> <p>10 I don't know if I asked this question, I</p> <p>11 apologize.</p> <p>12 The -- the dual role position,</p> <p>13 Exhibit-219, that was the job classification for</p> <p>14 the position of assistant director tax claim</p> <p>15 bureau/tax assessment at all times that Jane Doe 4</p> <p>16 held that position, correct?</p> <p>17 A. I would think so, yes.</p> <p>18 MS. SMITH: Okay. Matt, if we can</p> <p>19 pull up 216.</p> <p>20 - - -</p> <p>21 (Previously marked Exhibit-216.)</p> <p>22 - - -</p> <p>23 BY MS. SMITH:</p> <p>24 Q. This is a -- the county's -- one of the</p>                                                                                    |

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| <p>Page 117</p> <p>1 counties -- strike that.</p> <p>2 This is a job classification description</p> <p>3 of the county's -- of the county for the position</p> <p>4 of tax claim bureau director, correct?</p> <p>5 A. That is correct.</p> <p>6 Q. This is implemented on June 1994 and --</p> <p>7 it was implemented on June -- in June 1994, and</p> <p>8 revised on March 4, 2008, correct?</p> <p>9 A. That's what it states, yes.</p> <p>10 Q. Okay.</p> <p>11 Now, I'm going to also -- I want you to</p> <p>12 keep that one in front of you.</p> <p>13 MS. SMITH: Matt, if you could</p> <p>14 maybe split screen 219 -- I'm sorry -- 216 and 45.</p> <p>15 BY MS. SMITH:</p> <p>16 Q. The reason for my stuttered verbiage</p> <p>17 and, maybe you can help me out with this, is this</p> <p>18 is also a job classification description of the</p> <p>19 county for the position of tax claim bureau</p> <p>20 director, correct?</p> <p>21 A. That's what it states, yes.</p> <p>22 Q. Okay.</p> <p>23 MS. SMITH: Oh, let me wait until</p> <p>24 Matt gets these up on the screen so our Zoom</p> | <p>Page 119</p> <p>1 revisions, so I just wanted to make sure that I</p> <p>2 was understanding that it was just they didn't</p> <p>3 list all the revision dates, but this is a</p> <p>4 subsequent revision?</p> <p>5 A. That would be my understanding as well.</p> <p>6 Q. Okay. All right. Perfect.</p> <p>7 So then 216, this would have applied --</p> <p>8 would have been the job classification description</p> <p>9 for anyone who held the position between March 4,</p> <p>10 2008, and April 2015, correct?</p> <p>11 A. Correct.</p> <p>12 Q. Okay.</p> <p>13 And then anyone who held the position</p> <p>14 April 2015, until current, 45 would be the job --</p> <p>15 who held the tax claim bureau director, 45 would</p> <p>16 be the applicable job classification description?</p> <p>17 A. I would agree with you.</p> <p>18 Q. Okay.</p> <p>19 And since April of 2015, has the county</p> <p>20 made any revisions to the -- that tax claim bureau</p> <p>21 director job classification description?</p> <p>22 A. I'm unaware of any.</p> <p>23 MS. SMITH: All right. Matt, if</p> <p>24 you can pull up 217.</p> |
| <p>Page 118</p> <p>1 participants have it. I am just waiting on the</p> <p>2 Zoom. I want to make sure they have it. They --</p> <p>3 they need to see it on the screen as well, so they</p> <p>4 know what I'm referring to, especially for this</p> <p>5 one.</p> <p>6 Thank you, Matt.</p> <p>7 BY MS. SMITH</p> <p>8 Q. Okay.</p> <p>9 So if -- on 45, if we look to the second</p> <p>10 page, this also says implemented June 1994, but</p> <p>11 revised April 2018.</p> <p>12 MS. JONES: '15.</p> <p>13 THE WITNESS: '15.</p> <p>14 MS. SMITH: Sorry. '15. Thank</p> <p>15 you.</p> <p>16 BY MS. SMITH:</p> <p>17 Q. It doesn't have -- on 45 it doesn't have</p> <p>18 the revision date of 3/4/2008. Am I correct in</p> <p>19 believing that 2/16 was a revision in March of</p> <p>20 2008, and then this 45 is a more revised version</p> <p>21 of the 2/16, March 2008 revision?</p> <p>22 A. I would agree with that.</p> <p>23 Q. Okay.</p> <p>24 It just -- it doesn't list all the</p>                                                                                                         | <p>Page 120</p> <p>1 - - -</p> <p>2 (Previously marked Exhibit-217.)</p> <p>3 - - -</p> <p>4 BY MS. SMITH:</p> <p>5 Q. All right.</p> <p>6 Mr. -- I'm sorry. This is the county's</p> <p>7 job classification description for the position of</p> <p>8 chief assessor/director of tax claim, correct?</p> <p>9 A. That's what it states, yes.</p> <p>10 Q. If we look to the second page, this was</p> <p>11 implemented May of 2019, correct?</p> <p>12 A. Uh-hum, that's what it states.</p> <p>13 Q. Okay.</p> <p>14 Does this position still exist?</p> <p>15 A. This is what?</p> <p>16 Q. Does this position still exist?</p> <p>17 A. It does not.</p> <p>18 Q. Okay.</p> <p>19 So between May of 2019 and when the</p> <p>20 county, for lack of a better word abolished or got</p> <p>21 rid of this position, this was the job</p> <p>22 classification description that applied to anyone</p> <p>23 who held that position during that time, correct?</p> <p>24 A. That would be correct.</p>                                                                                                                                     |

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| <p style="text-align: right;">Page 121</p> <p>1 Q. And the removal or -- of this position</p> <p>2 was when Jane Doe 3 was -- when the offices were</p> <p>3 restructure in March of 2021; is that correct?</p> <p>4 A. Correct.</p> <p>5 Q. Okay.</p> <p>6 MS. SMITH: Matt, if you can pull</p> <p>7 up SC1225 to 1226. It will be 326 for today's</p> <p>8 purposes.</p> <p>9 - - -</p> <p>10 (SC1225 marked as Exhibit-326 for</p> <p>11 identification.)</p> <p>12 - - -</p> <p>13 BY MS. SMITH:</p> <p>14 Q. This is the county's job classification</p> <p>15 description for the position of assistant county</p> <p>16 solicitor, correct?</p> <p>17 A. Correct.</p> <p>18 Q. If we look to the second page, it was</p> <p>19 implemented in June 1994, correct?</p> <p>20 A. Correct.</p> <p>21 Q. Has the county made any revisions to</p> <p>22 this job classification description since</p> <p>23 June 1994?</p> <p>24 A. To this particular one, not that I'm</p>                                                                               | <p style="text-align: right;">Page 123</p> <p>1 October of 2017?</p> <p>2 A. Not that I'm aware of.</p> <p>3 Q. And Defendant Roth, at some point during</p> <p>4 his employment, held this position, correct?</p> <p>5 A. Correct.</p> <p>6 Q. And this job classification description</p> <p>7 would have applied to Defendant Roth at all times</p> <p>8 that he held this position with the county,</p> <p>9 correct?</p> <p>10 A. Correct.</p> <p>11 MS. SMITH: I am going to mark</p> <p>12 county defendant's sup 0000078 as 327 for today's</p> <p>13 purposes.</p> <p>14 - - -</p> <p>15 (SUP0000078 marked as Exhibit 327 for</p> <p>16 identification.)</p> <p>17 - - -</p> <p>18 BY MS. SMITH:</p> <p>19 Q. Do you recognize this document?</p> <p>20 A. Yes, I've seen it.</p> <p>21 Q. This is the solicitor's assignments for</p> <p>22 the county solicitors, correct?</p> <p>23 A. Correct.</p> <p>24 Q. On the top left-hand side, do you see</p>                                                             |
| <p style="text-align: right;">Page 122</p> <p>1 aware of.</p> <p>2 Q. Okay.</p> <p>3 And Defendant Glenn Roth has held the</p> <p>4 position of assistant county solicitor at some</p> <p>5 point during his employment with the county,</p> <p>6 correct?</p> <p>7 A. He has.</p> <p>8 Q. And so at any times he held that</p> <p>9 position, this -- this job classification</p> <p>10 description would have applied to him, correct?</p> <p>11 A. That would be correct.</p> <p>12 Q. Okay.</p> <p>13 Going to look at Exhibit-30.</p> <p>14 This is the county's job classification</p> <p>15 description for the position of first assistant</p> <p>16 county solicitor/risk manager, correct?</p> <p>17 A. That is correct.</p> <p>18 Q. If we look to the second page, it --</p> <p>19 this description was implemented on</p> <p>20 October 2017 -- in October of 2017, correct?</p> <p>21 A. That -- it states that, yes.</p> <p>22 Q. Okay.</p> <p>23 Has the county made any revisions to</p> <p>24 this job classification description since</p> | <p style="text-align: right;">Page 124</p> <p>1 the date of October 14, 2014?</p> <p>2 A. Uh-huh, I do.</p> <p>3 Q. Okay.</p> <p>4 Is this -- were these the assignments of</p> <p>5 the solicitors named on this document in October</p> <p>6 of 2014?</p> <p>7 MS. JONES: Object to the form.</p> <p>8 But you may answer.</p> <p>9 THE WITNESS: Your statement again.</p> <p>10 BY MS. SMITH:</p> <p>11 Q. So there's -- there's three solicitors</p> <p>12 named --</p> <p>13 A. Correct.</p> <p>14 Q. -- can we agree?</p> <p>15 In October of 2014, were these the</p> <p>16 departments which each solicitor named there,</p> <p>17 those three names, were assigned?</p> <p>18 A. Yes. I'm sorry. Yes.</p> <p>19 Q. Okay.</p> <p>20 Were -- so I'm going to represent to you</p> <p>21 that Defendant Roth was hired as a solicitor on</p> <p>22 July 2nd of 2012, that's when his PAR was voted on</p> <p>23 being effective. Well, his PAR was voted on</p> <p>24 before that, but it was effective on that date.</p> |

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| <p style="text-align: right;">Page 125</p> <p>1 Were there -- were the assignment</p> <p>2 between his hire date in 2012 and October 2014,</p> <p>3 were the assignments any different?</p> <p>4 A. Not that I'm aware of.</p> <p>5 Q. Okay.</p> <p>6 A. But, again, understand, Ms. Smith, that</p> <p>7 these -- these assignments, in other words, Glenn</p> <p>8 is there as a full time. So he may -- somebody</p> <p>9 may come over with a grant writer question and</p> <p>10 Chris wouldn't be there, so they would go to</p> <p>11 Glenn. The full-time guy always gets dumped on.</p> <p>12 So these are the assignments, but you may go to</p> <p>13 different people depending who is there.</p> <p>14 Q. Okay.</p> <p>15 But Glenn, since he has been employed by</p> <p>16 the county, has been a full-time employee,</p> <p>17 correct?</p> <p>18 A. That is correct.</p> <p>19 Q. Okay.</p> <p>20 And has the solicitor's assignments list</p> <p>21 changed at all since October 14, 2014?</p> <p>22 MS. JONES: I will object to the</p> <p>23 form.</p> <p>24 You can answer.</p> | <p style="text-align: right;">Page 127</p> <p>1 Q. And did Dr. Datte take over the</p> <p>2 remaining -- other than the election bureau, which</p> <p>3 you just testified to was under Mr. Roth, did he</p> <p>4 take over all other departments or divisions</p> <p>5 assigned to Mr. Hobbs?</p> <p>6 A. Yes. With exception of the election</p> <p>7 bureau, that's still -- Glenn Roth still holds</p> <p>8 that.</p> <p>9 Q. Okay.</p> <p>10 So then -- go ahead.</p> <p>11 A. And also the planning and zoning was</p> <p>12 transferred from Mr. Roth over to Chris Hobbs and</p> <p>13 now Paul Datte.</p> <p>14 Q. Okay.</p> <p>15 Any other changes since October of 2014?</p> <p>16 A. Not that I'm aware of, no.</p> <p>17 MS. SMITH: Okay. Matt, if we can</p> <p>18 pull up 212.</p> <p>19 - - -</p> <p>20 (Previously marked Exhibit-212.)</p> <p>21 - - -</p> <p>22 BY MS. SMITH:</p> <p>23 Q. Okay.</p> <p>24 This is 212. Is the -- the county's job</p>                      |
| <p style="text-align: right;">Page 126</p> <p>1 THE WITNESS: Yes. The election</p> <p>2 bureau, as you see under Mr. Hobbs.</p> <p>3 BY MS. SMITH:</p> <p>4 Q. Yes.</p> <p>5 A. That was transferred over to Mr. Roth.</p> <p>6 Q. Okay.</p> <p>7 A. Because Mr. Hobb was running for judge</p> <p>8 last year.</p> <p>9 Q. And Mr. Hobbs was elected, correct?</p> <p>10 A. Yes, he was.</p> <p>11 Q. Okay.</p> <p>12 So he's not a solicitor anymore,</p> <p>13 correct?</p> <p>14 A. That is correct.</p> <p>15 Q. So he doesn't have any assignments</p> <p>16 anymore, correct?</p> <p>17 A. That would be correct.</p> <p>18 Q. Okay.</p> <p>19 A. Yes, that would be correct.</p> <p>20 Q. Did the county hire someone to replace</p> <p>21 Mr. Hobbs?</p> <p>22 A. Yes.</p> <p>23 Q. And who is that?</p> <p>24 A. Paul Datte, D-A-T-T-E.</p>                                                                                                                                                                                                                                                | <p style="text-align: right;">Page 128</p> <p>1 classification description for county</p> <p>2 administrator, correct?</p> <p>3 A. That is correct.</p> <p>4 Q. If we turn to the third page of --</p> <p>5 sorry -- fourth page of this one, this was</p> <p>6 implemented by the county in June of 2016,</p> <p>7 correct?</p> <p>8 A. That's what it states, yes.</p> <p>9 Q. Okay.</p> <p>10 And so this job classification has</p> <p>11 applied to Defendant Bender for all -- at all</p> <p>12 times that he held that position, correct?</p> <p>13 A. That is correct.</p> <p>14 Q. All right.</p> <p>15 Last job classification description we</p> <p>16 are going to look at is 81.</p> <p>17 MS. SMITH: Exhibit-81, Matt.</p> <p>18 Sorry if that wasn't clear.</p> <p>19 - - -</p> <p>20 (Previously marked Exhibit-81.)</p> <p>21 - - -</p> <p>22 BY MS. SMITH:</p> <p>23 Q. This is the county's job classification</p> <p>24 description for the position of human resources</p> |

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| <p>Page 129</p> <p>1 director, correct?</p> <p>2 A. Yes, that's what it states.</p> <p>3 Q. If we look to the third page, it was</p> <p>4 implemented by the county on November 20 -- in</p> <p>5 November of 2017, correct?</p> <p>6 A. That's what it states, yes.</p> <p>7 Q. Did the county have a job classification</p> <p>8 description for the position of human resources</p> <p>9 director before November of 2017?</p> <p>10 A. I would think so, yes.</p> <p>11 Q. Do you know?</p> <p>12 A. Yes, Ms. Chwastiak would have had a job</p> <p>13 description.</p> <p>14 Q. This date on Page 3 does not have a</p> <p>15 revision date?</p> <p>16 A. It does not, no.</p> <p>17 Q. Okay.</p> <p>18 A. I see that.</p> <p>19 Q. Okay.</p> <p>20 So can you tell me for sure that the</p> <p>21 county maintained a job classification description</p> <p>22 for the position of human resources director prior</p> <p>23 to November of 2017?</p> <p>24 A. There would have been one, yes.</p> | <p>Page 131</p> <p>1 Ms. -- to Defendant Zula at all times she was</p> <p>2 employed by the county, correct?</p> <p>3 A. Yes. And if we can just back up, the</p> <p>4 reason I know that there was -- it was the human</p> <p>5 resource director/risk manager when Martina</p> <p>6 Chwastiak held that position.</p> <p>7 Q. Okay.</p> <p>8 So there wasn't -- so like we looked at</p> <p>9 the earlier one of the chief assessor and tax</p> <p>10 claim director, it was like a dual role, would</p> <p>11 there have been something titled human resources</p> <p>12 director/risk manager that existed?</p> <p>13 A. That would be correct.</p> <p>14 Q. Okay.</p> <p>15 So an independent one of this, which is</p> <p>16 why there's not a revision date?</p> <p>17 A. That would be correct.</p> <p>18 Q. Okay. All right.</p> <p>19 So after Ms. Chwastiak left, the next</p> <p>20 person employed by the counsel in the position of</p> <p>21 human resources director would have been Ms.</p> <p>22 Twigg; am I correct?</p> <p>23 A. Okay. Repeat.</p> <p>24 Q. After Ms. Chwastiak left, she was</p> |
| <p>Page 130</p> <p>1 Q. There would have been one, but can you</p> <p>2 tell me, in fact, that there was one?</p> <p>3 MS. JONES: Object to the form.</p> <p>4 You can answer it.</p> <p>5 THE WITNESS: Yes.</p> <p>6 BY MS. SMITH:</p> <p>7 Q. You've seen it?</p> <p>8 A. No.</p> <p>9 Q. Does -- is a copy of an earlier job</p> <p>10 classification description maintained anywhere in</p> <p>11 the courthouse or in any county building?</p> <p>12 A. I would think so.</p> <p>13 Q. Where is it maintained?</p> <p>14 A. That would be in the human resources</p> <p>15 office.</p> <p>16 Q. Has the county made any revisions to</p> <p>17 this job classification description since November</p> <p>18 of 2017?</p> <p>19 A. I'm not aware of any.</p> <p>20 Q. This job classification applied to Ms.</p> <p>21 Twigg at all times she was employed by the county,</p> <p>22 correct?</p> <p>23 A. Yes.</p> <p>24 Q. This job classification applied to</p>                                  | <p>Page 132</p> <p>1 replaced by Ms. Twigg, correct?</p> <p>2 A. Yes.</p> <p>3 Q. Okay.</p> <p>4 And when Ms. Chwastiak left, she left</p> <p>5 from the dual position of human resources</p> <p>6 director/risk manager and Ms. Twigg came in as</p> <p>7 just human resources?</p> <p>8 A. That is correct.</p> <p>9 Q. Okay.</p> <p>10 A. So which means there would have been an</p> <p>11 earlier human resources director only because</p> <p>12 Ms. Chwastiak became the human resource director,</p> <p>13 risk manager, sometime before that.</p> <p>14 Q. Okay.</p> <p>15 That's fair.</p> <p>16 A. I know that's confusing, but I know the</p> <p>17 positions and...</p> <p>18 Q. Okay.</p> <p>19 That's fair.</p> <p>20 This job classification description has</p> <p>21 applied -- applied to Andrea Whelan at all times</p> <p>22 she was employed by the county, correct?</p> <p>23 A. That would be correct.</p> <p>24 Q. Did this job classification description</p>                                                                                                                               |



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| <p style="text-align: right;">Page 133</p> <p>1 apply to Defendant Kutzler at all times she worked</p> <p>2 as interim county human resources director and/or</p> <p>3 with a contractor with the county as it relates to</p> <p>4 the position of human resources director?</p> <p>5 A. Yes. We can say, she wasn't an</p> <p>6 employee, but she would have assumed these</p> <p>7 responsibilities.</p> <p>8 Q. Okay.</p> <p>9 Does the county have a job</p> <p>10 classification description for any elected</p> <p>11 position?</p> <p>12 A. No. That's set up by county code.</p> <p>13 Q. Okay.</p> <p>14 So there's no written job classification</p> <p>15 description for the position of county</p> <p>16 commissioner?</p> <p>17 A. No, as specified in the county code.</p> <p>18 Q. Okay.</p> <p>19 Do you know what portion of the county</p> <p>20 code applies to or is the equivalent of a job</p> <p>21 classification description for a county</p> <p>22 commissioner?</p> <p>23 A. Do I know the section? I do not.</p> <p>24 Q. All right.</p>                                                                                                                                                                             | <p style="text-align: right;">Page 135</p> <p>1 this case in connection with the litigation. Do</p> <p>2 you understand that?</p> <p>3 A. Yes.</p> <p>4 Q. Okay.</p> <p>5 They were not organized and I will put</p> <p>6 on the record, this was before Marie was involved</p> <p>7 in the case. They were not organized or produced</p> <p>8 in any manner in which I can tell that they are</p> <p>9 delineated into what it was. It's just a stack of</p> <p>10 documents.</p> <p>11 So I'm trying to figure out what is</p> <p>12 actually maintained in the plaintiffs' and</p> <p>13 defendants' personnel file so I know if I have its</p> <p>14 contents.</p> <p>15 So my question for you is, this is what</p> <p>16 I believe based off my review of the documents,</p> <p>17 and I could be wrong, that the county produced is</p> <p>18 what is maintained in Jane Doe 2's personnel file.</p> <p>19 My question for you is: Are you aware of any</p> <p>20 other documents, other than these, and you can</p> <p>21 take your time to review them, that are in Jane</p> <p>22 Doe 2's county personnel file?</p> <p>23 MS. JONES: Okay. Hold on. Before</p> <p>24 you -- you can look if you want while I'm</p> |
| <p style="text-align: right;">Page 134</p> <p>1 I am going to have you put those aside</p> <p>2 because I'm going to hand you a stack of some</p> <p>3 documents and I don't want to get anything too</p> <p>4 mixed up.</p> <p>5 MS. JONES: Put it right under</p> <p>6 here.</p> <p>7 THE WITNESS: Oh, okay.</p> <p>8 MS. SMITH: Yeah. Matt, can you</p> <p>9 pull up Documents 92 through 146. And for all</p> <p>10 those on Zoom, it may be easier for you to pull up</p> <p>11 those Bates stamps on your own just so you can</p> <p>12 scroll through them at your leisure.</p> <p>13 BY MS. SMITH:</p> <p>14 Q. So we are going to -- these are all what</p> <p>15 I understand and that's what I'm trying to figure</p> <p>16 out, if my understanding is correct, this is what</p> <p>17 I understand to be the contents of everyone's</p> <p>18 personnel file. You touched on this a little bit</p> <p>19 before, that certain things might be or should be</p> <p>20 included in the personnel file, when I think I was</p> <p>21 asking you about the verifications that policies</p> <p>22 were received. And you thought maybe those might</p> <p>23 be in personnel files.</p> <p>24 So the county has produced documents in</p> | <p style="text-align: right;">Page 136</p> <p>1 objecting. So I am going to --</p> <p>2 THE WITNESS: For the record, I</p> <p>3 have never looked at her file, so I don't know</p> <p>4 what was in or not in.</p> <p>5 MS. JONES: So I'm going to object</p> <p>6 first just for clarification.</p> <p>7 Catherine, the Bates stamped</p> <p>8 numbers, those were produced by prior counsel to</p> <p>9 me in response to discovery, the Bates stamp</p> <p>10 numbers.</p> <p>11 MS. SMITH: What about them?</p> <p>12 MS. JONES: Those are from</p> <p>13 county-produced document from my prior counsel to</p> <p>14 me.</p> <p>15 MS. SMITH: Prior counsel to you?</p> <p>16 MS. JONES: Chris Gott.</p> <p>17 MS. SMITH: Oh, I thought you meant</p> <p>18 he gave them to you, not him being -- yes. Yes.</p> <p>19 Yes.</p> <p>20 MS. JONES: And theses are the</p> <p>21 Bates stamps numbers, but they are not exhibit</p> <p>22 numbers in the case, correct?</p> <p>23 MS. SMITH: No. This has not been</p> <p>24 marked an exhibit and I'm not going to. I am</p>                                                                                                                                                |

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| <p>1 referencing it on the -- because it's going to be<br/>2 voluminous for the transcript.<br/>3 MS. JONES: Right. Okay. So<br/>4 that's one clarification I just wanted to say.<br/>5 MS. SMITH: Yes. I am not marking<br/>6 it as an exhibit --<br/>7 MS. JONES: Okay.<br/>8 MS. SMITH: -- but it is, for the<br/>9 record, Schuylkill County's first production of<br/>10 Documents 92 through 146.<br/>11 MS. JONES: Okay. My objection to<br/>12 your question is twofold or multiple basis, has<br/>13 multiple basis. One is to the form. Secondly,<br/>14 though, more substantively, it reverts back to my<br/>15 prior objection at the beginning and my prior<br/>16 objections to you, where in we discussed the<br/>17 personnel file issue and the production of a<br/>18 witness and the conversation with the court<br/>19 because I very much recall specifically addressing<br/>20 that an individual witness for individual contents<br/>21 of a file would not be possible, in essence,<br/>22 because we don't -- it would be multiple people.<br/>23 So I'm just preserving that<br/>24 position --</p>                                                                      | <p>Page 137</p> <p>1 clearly, unequivocally requests the entire<br/>2 contents and requests an ongoing continual<br/>3 production of a the plaintiffs' personnel file.<br/>4 So we all know these plaintiffs or some of these<br/>5 plaintiffs remain employed by the county, so<br/>6 should documents be added, those should be<br/>7 produced to us and delineated as personnel files<br/>8 that have been put or added to their personnel<br/>9 file.<br/>10 I have a right to know, as I have<br/>11 requested and as is relevant, extremely relevant<br/>12 to this case, what is in the contents of my<br/>13 clients' personnel files at the county. Mr.<br/>14 Bender just testified that he has never even<br/>15 looked at a personnel file, at the personnel<br/>16 files.<br/>17 My question to him is going to be,<br/>18 has he looked at -- I think he testified to it<br/>19 earlier, but my question will be: Has he looked<br/>20 at Jane Doe 2's, has he looked at Jane Doe 1's,<br/>21 has he looked at Jane Doe 4's, and has he looked<br/>22 at Jane Doe 3's. And then we going to go through<br/>23 the defendants and then there is another one as to<br/>24 individuals -- I think there's -- no. I'm sorry.</p>                                                          |
| <p>Page 138</p> <p>1 MS. SMITH: Okay.<br/>2 MS. JONES: -- that Mr. Bender here<br/>3 today can speak to what you told me was the<br/>4 purpose of that category, which was what types of<br/>5 documents and he can answer what he knows about<br/>6 that. But I just am preserving my position that I<br/>7 think that injury into the specific pages of a<br/>8 file are not appropriate for this purpose today.<br/>9 MS. SMITH: Well, let me just put<br/>10 on the record that at no point in time was my --<br/>11 MS. JONES: I know.<br/>12 MS. SMITH: Hold on one second.<br/>13 At no point in time was inquiry as<br/>14 detailed in the notice of deposition, limited<br/>15 thereafter regarding the types of document. My<br/>16 exact statements to you, and I believe to the<br/>17 court, were that the prior counsel to you, which<br/>18 while not you, is still some onus on you because<br/>19 there was deficiency letters thereafter, the<br/>20 document production was not organized or<br/>21 delineated in a manner in which I could understand<br/>22 what is or what is not included in the plaintiffs'<br/>23 personnel file.<br/>24 And the request for documents</p> | <p>Page 140</p> <p>1 It's just the defendants for personnel files.<br/>2 My assumption is that he's going to<br/>3 testify that he hasn't looked at any of them.<br/>4 This becomes an issue because we can end the<br/>5 deposition. We can come back another day after<br/>6 this is briefed with the court. But I think what<br/>7 the logical solution is and the fair solution is<br/>8 and the most expeditious solution is, is that we<br/>9 put that on the record and instead of me seeking<br/>10 sanctions and having to come back another day, is<br/>11 that I simply get a straight forward response from<br/>12 the county as to these -- this is Jane Doe 2's<br/>13 personnel file. This is everything that is in it<br/>14 and this is what exists as of today March 31st or<br/>15 April 1st or April 2nd. This is Jane Doe 3's this<br/>16 is what's in it. This is Jane Doe 1's.<br/>17 I don't -- if the county wants to<br/>18 put it in writing as opposed to bringing nine<br/>19 witnesses in, what you will give me and say, the<br/>20 county will say, this is what's in their personnel<br/>21 file, nothing else is in it, this is it, that's --<br/>22 I mean, that gives me the answer that I'm looking<br/>23 for.<br/>24 The problem is, is I haven't gotten</p> |

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| <p>Page 141</p> <p>1 than. And, again, Christopher Scott was before<br/>2 you and he handled it and he simply wrote<br/>3 produced, but didn't -- pursuant to the rules,<br/>4 which they require, did not tell me what Bates<br/>5 numbers or that answer. That's all I'm -- that's<br/>6 all I'm looking for.<br/>7 I mean, it can be done here today.<br/>8 I'm not going to -- I am not going to seek -- I<br/>9 will put on the record, if the county will agree<br/>10 to that, I will not seek to bind Mr. Bender here<br/>11 in telling me if this is everything and using an I<br/>12 don't know.<br/>13 MS. JONES: Well, I guess I'll say<br/>14 this, Catherine, I agree that Mr. Scott's method<br/>15 of production was less detailed. Having said<br/>16 that, it has created difficulties at times for us<br/>17 in identifying what he produced. I'm not the<br/>18 saying that I don't think, however, that you got<br/>19 the file. I appreciate you're saying you're<br/>20 having difficulty because there's a lot of<br/>21 documents in the case and the way they were<br/>22 produced initially differ very much from how we<br/>23 produce documents.<br/>24 I think we have been trying to deal</p> | <p>Page 143</p> <p>1 not going to speak for him.<br/>2 MS. SMITH: I am not --<br/>3 MS. JONES: But I'm at least<br/>4 willing, for purposes of avoiding an unnecessary<br/>5 examination today and just to say if you have done<br/>6 what you've described and I think these are<br/>7 already in order from his production, so it<br/>8 would -- one might argue it is probably the file.<br/>9 I mean, you know, he just didn't say the numbers<br/>10 or the details, it starts on this page, it ends on<br/>11 this, it has this, this, and this included.<br/>12 MS. SMITH: But I am sure you can<br/>13 appreciate that leaves me to assuming and not<br/>14 having a definitive answer from the county that<br/>15 this is, in fact, the personnel file. This could<br/>16 be kept in -- this could be responsive to another<br/>17 document request with any documents related to the<br/>18 plaintiffs. This could be something that's kept<br/>19 in something other than a personnel file.<br/>20 MS. JONES: It's not likely based<br/>21 on the content if what you're showing us, but --<br/>22 MS. SMITH: It's not based -- but,<br/>23 again, I'm left to guess and assume. And in<br/>24 purposes -- for purposes of litigation and</p>                                                                               |
| <p>Page 142</p> <p>1 with those deficiencies letters and our objections<br/>2 to your objections.<br/>3 I also think that there's a --<br/>4 there's at least a, in my view, no basis for<br/>5 sanctions that you think you can immediately move<br/>6 for, based on your comments today. But I'm<br/>7 certainly willing to investigate whether or not a<br/>8 particular group that you think comprises the file<br/>9 is, in fact, the file.<br/>10 MS. SMITH: Okay.<br/>11 MS. JONES: And whether or not<br/>12 there's more to it now --<br/>13 MS. SMITH: Okay.<br/>14 MS. JONES: -- then from the time<br/>15 you saw it. I'm not -- I'm not sure I might not<br/>16 have an issue or objection, I am going to preserve<br/>17 whatever I might need to preserve that I don't<br/>18 know what he did and identified as a personnel<br/>19 record, so that you can't say, oh, Scott should<br/>20 have done this and this was the personnel file and<br/>21 it wasn't complete and now there's more paper.<br/>22 MS. SMITH: I don't --<br/>23 MS. JONES: Because I can't speak<br/>24 for him and I get it, the county could be, but I'm</p>                                                                        | <p>Page 144</p> <p>1 completeness, that is not, under the rules,<br/>2 proper. Again, it was done by prior counsel. I<br/>3 think you're experiencing some of the issues I am.<br/>4 I have taken the steps in and undertaken the<br/>5 efforts of figuring out what documents belong to<br/>6 which clients, defendants, plaintiffs, and<br/>7 comprising what I believe is their personnel file.<br/>8 And I have them here today, so I'm happy to<br/>9 provide you a copy and we can put on the record<br/>10 and I would just ask for an agreement that if<br/>11 there's anything other these documents in the<br/>12 plaintiffs' personnel files or the defendants'<br/>13 personnel files, other than the ones I have for<br/>14 each of them, which we can put on the record, that<br/>15 the county produce them, whether they are ones<br/>16 that are from before you took over and should have<br/>17 been turned over or after that have now been newly<br/>18 existing because time has passed. I won't take<br/>19 issue or raise issue with the failure to turn them<br/>20 over prior, I just want them and I would like in<br/>21 writing, what is in my plaintiffs -- my plaintiffs'<br/>22 county personnel file.<br/>23 MS. JONES: And I am going to<br/>24 presume, because I don't have it in front of me,</p> |

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| <p>1 that you made that specific request --</p> <p>2 MS. SMITH: Yes.</p> <p>3 MS. JONES: -- for each of the</p> <p>4 plaintiffs.</p> <p>5 MS. SMITH: Yes, I did.</p> <p>6 MS. JONES: So with respect to the</p> <p>7 plaintiffs --</p> <p>8 MS. SMITH: And defendants.</p> <p>9 MS. JONES: That if you made the</p> <p>10 request the defendants --</p> <p>11 MS. SMITH: Yes.</p> <p>12 MS. JONES: I don't have them in</p> <p>13 front of me. I can't remember those kinds of --</p> <p>14 every detail. And the lawyers for those parties</p> <p>15 can weigh in on their position of they differ from</p> <p>16 mine. But I'm willing to look at what you've</p> <p>17 identified and discern if they are, in fact,</p> <p>18 included in the personnel file and whether there</p> <p>19 were other documents that are included in the</p> <p>20 personnel file that are not here and have not</p> <p>21 otherwise been produced.</p> <p>22 We may have produced them in other</p> <p>23 context that I'm not aware of.</p> <p>24 MS. SMITH: So in --</p>                                                                                                                                                                                                                                                                  | <p>Page 145</p> <p>1 produced tens of thousands of documents that I'm</p> <p>2 going to be able to be certain that some document</p> <p>3 out there was produced and I have to go back and</p> <p>4 tell you where it was.</p> <p>5 MS. SMITH: No. No. No. That's</p> <p>6 what I'm saying you don't have to do.</p> <p>7 MS. JONES: I'm going to agree to</p> <p>8 try and verify that what you believe are the</p> <p>9 files, either are, in fact, the files or are not</p> <p>10 the files and what is our current status of the</p> <p>11 files, subject to counsel for the other parties</p> <p>12 telling me they have any issues with that.</p> <p>13 MS. SMITH: Well, since we're on</p> <p>14 the record and so we don't waste -- if I need to</p> <p>15 make the record about this issue, certainly Mr.</p> <p>16 Bender being here as the 30B6 witness and his</p> <p>17 inability to testify, does any counsel have any</p> <p>18 objection to their clients' county personnel</p> <p>19 record being turned over? Redacted, of course,</p> <p>20 for Social Security numbers, bank account numbers,</p> <p>21 because I am sure there is tax information.</p> <p>22 MS. JONES: And, again, my position</p> <p>23 is, if in fact, they were asked for already.</p> <p>24 MS. SMITH: So I can -- I can --</p> |
| <p>Page 146</p> <p>1 MS. JONES: And we will tell you</p> <p>2 that if we did.</p> <p>3 MS. SMITH: So if there was -- so</p> <p>4 let's say Jane Doe 2's, which is 92 through 146,</p> <p>5 let's say there is one document that's in her</p> <p>6 personnel file that's been missing, but it was</p> <p>7 produced as -- by you because you realized it and</p> <p>8 it's SC 900, hypothetically, I just want to know</p> <p>9 that it was produced and that it is in -- like I</p> <p>10 want to know what's in her personnel file. I</p> <p>11 don't want to know we've -- I don't want a</p> <p>12 response of we've produced her entire personnel</p> <p>13 file. It's not just these, but it's hidden in</p> <p>14 this haystack of thousands of documents. If</p> <p>15 you're comparing page to page while you go through</p> <p>16 it, it should be easy enough for you guys to</p> <p>17 say -- even if you produce it as a new Bates stamp</p> <p>18 number, this may have been previously produced, we</p> <p>19 are Bates stamping it as a new number so we don't</p> <p>20 have to go through the needle in the haystack, but</p> <p>21 here it is just so you know what's in her</p> <p>22 personnel file.</p> <p>23 MS. JONES: I will certainly try to</p> <p>24 do that. I can't say though because we've</p> | <p>Page 148</p> <p>1 MS. JONES: And if the answer is</p> <p>2 yes, then the answer is yes, I mean, you know...</p> <p>3 MS. SMITH: And so I should --</p> <p>4 well, let's start with objections for -- for any</p> <p>5 counsel.</p> <p>6 Mr. Less, do you have any</p> <p>7 objection?</p> <p>8 MS. JONES: Well, we probably won't</p> <p>9 have one for her. She's not --</p> <p>10 MR. LEES: I was just going to say,</p> <p>11 I don't believe there would be a personnel file</p> <p>12 for my client.</p> <p>13 MS. SMITH: And to the extent that</p> <p>14 there isn't, I would just want to know that. To</p> <p>15 the extent that there is, is there any objection</p> <p>16 to the contents being turned over, obviously</p> <p>17 subject to redactions for personnel -- personal</p> <p>18 information?</p> <p>19 MR. LEES: No, I don't have any</p> <p>20 objections.</p> <p>21 MS. SMITH: Mr. Geiger?</p> <p>22 MR. GEIGER: No, I have no -- I</p> <p>23 think that's discoverable.</p> <p>24 MS. SMITH: Okay. And Miss</p>                                                                                                                                                                                                                                                                               |



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| <p>Page 149</p> <p>1 Wynkoop?</p> <p>2 MS. WYNKOOP: I mean, to the extent</p> <p>3 that the county holds any sort of privilege here,</p> <p>4 I'm not making an objection right now. But, I</p> <p>5 mean, I don't think what one exists for Glenn</p> <p>6 either.</p> <p>7 MS. JONES: Well, I don't know</p> <p>8 that.</p> <p>9 MS. SMITH: Yeah, I think one does</p> <p>10 exist for Glenn.</p> <p>11 MS. JONES: It may be because he</p> <p>12 was a full-time employee for purposes of benefits</p> <p>13 and things like that. I don't know.</p> <p>14 MS. SMITH: Right. So -- okay.</p> <p>15 So -- and I just want to be clear, so when I --</p> <p>16 there has been testimony in this case, the request</p> <p>17 for the plaintiffs was identified and produced,</p> <p>18 it's Document Request 14, which went to the county</p> <p>19 and Bender, identify and produce any and all</p> <p>20 documents that refer or relate to each of the</p> <p>21 plaintiffs, including, but not limited to their</p> <p>22 entire personnel file, applications for</p> <p>23 employment, attendance records, disciplinary</p> <p>24 records, performance records, and documents</p>                    | <p>Page 151</p> <p>1 plaintiffs, including but not limited to their</p> <p>2 entire personnel file. There is no question that</p> <p>3 I requested the entire personnel file and it's</p> <p>4 discoverable.</p> <p>5 It also states documents concerning</p> <p>6 leaves of absence, reasonable accommodation, FMLA</p> <p>7 requests. That, my understanding based on Heidi</p> <p>8 Zula's testimony, would be in the medical file,</p> <p>9 which I believe then the entire medical file would</p> <p>10 be discoverable.</p> <p>11 MS. JONES: As to the plaintiffs.</p> <p>12 MS. SMITH: Plaintiffs, right. And</p> <p>13 I am just talking about the plaintiffs right now.</p> <p>14 So I don't know or have any -- and</p> <p>15 I have been through discovery, it's in binders,</p> <p>16 it's tabbed, it is OCD organized. I have no</p> <p>17 way -- it's both of us. I have no way -- unlike</p> <p>18 this -- these personnel files, which how it was</p> <p>19 produced, I was kind of able to -- to pull</p> <p>20 together what exists in a personnel file, the</p> <p>21 medical stuff is all over. And I partially --</p> <p>22 it's not -- I don't think how it was produced</p> <p>23 necessarily. I think because it might have been</p> <p>24 responsive to multiple requests, it was produced</p> |
| <p>Page 150</p> <p>1 concerning leave of absence, reasonable</p> <p>2 accommodation, FMLA request, X, Y, Z, so it's</p> <p>3 Document Request 14.</p> <p>4 So I just want to be clear on the</p> <p>5 record, this is what I understand -- we'll go</p> <p>6 through each of the individuals, but the document</p> <p>7 packets that I have are what I understand to be</p> <p>8 the contents of each individual's personnel file.</p> <p>9 MS. JONES: So why don't we mark</p> <p>10 them.</p> <p>11 MS. SMITH: So --</p> <p>12 MR. GEIGER: Catherine, can I just</p> <p>13 add, I mean, Heidi Zula testified yesterday that</p> <p>14 each employee has two files.</p> <p>15 MS. SMITH: Right. That's what I</p> <p>16 was getting to. So that -- so being --</p> <p>17 MR. GEIGER: The medical file I</p> <p>18 object to, but the -- the personnel file I do not.</p> <p>19 MS. SMITH: Okay. So let me --</p> <p>20 let's start with the plaintiffs because the</p> <p>21 plaintiffs -- so there was testimony as to two</p> <p>22 files, a personal -- personnel file and a medical</p> <p>23 file. Given my request states any and all</p> <p>24 documents that refer or relate to each of the</p> | <p>Page 152</p> <p>1 multiple times. I would just like to know what's</p> <p>2 in the personnel file, not here's all their</p> <p>3 personal records. I would like to know in the HR</p> <p>4 office, there is a file that says personnel file,</p> <p>5 Jane Doe 1. There's one that says medical file,</p> <p>6 Jane Doe 1, as I understand it and I would like to</p> <p>7 know what's in those.</p> <p>8 MS. JONES: For the plaintiffs.</p> <p>9 MS. SMITH: For the plaintiffs.</p> <p>10 And that's what we're discussing right now.</p> <p>11 MS. JONES: I'm okay with making --</p> <p>12 MS. SMITH: Okay.</p> <p>13 MS. JONES: -- that inquiry based</p> <p>14 on what you've just described as your prior</p> <p>15 request. If I think of an objection of any issue</p> <p>16 I don't think of now, I will certainly raise it</p> <p>17 with you. But I -- I think for the plaintiffs, I</p> <p>18 don't see that because you're asking for things</p> <p>19 about them that might otherwise be protected of</p> <p>20 defendants.</p> <p>21 MS. SMITH: Right. I am going to</p> <p>22 get to defendants in a second.</p> <p>23 So for the plaintiffs, what I</p> <p>24 believe is Jane Doe 2's personnel file is</p>                                                                                         |



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| <p style="text-align: right;">Page 153</p> <p>1 Schuylkill County's First Production 92 through</p> <p>2 146. Ms. Jane Doe 1's personnel file is 227.</p> <p>3 MS. JONES: Wait. I'm sorry. Who</p> <p>4 was the first one?</p> <p>5 MS. SMITH: Jane Doe 2 -- Jane Doe</p> <p>6 2.</p> <p>7 MS. JONES: It was 92 to 46.</p> <p>8 MS. SMITH: 146.</p> <p>9 MS. JONES: Okay.</p> <p>10 MS. SMITH: Jane Doe 1 is what I</p> <p>11 believe is her personnel file, is SC's first</p> <p>12 production, 227 to 301.</p> <p>13 MS. JONES: And they're all</p> <p>14 consecutive?</p> <p>15 MS. SMITH: Yes.</p> <p>16 MS. JONES: So it tells me he</p> <p>17 likely did produce it, but I -- if there's</p> <p>18 something more recent and we find there's</p> <p>19 something in the middle that should have been</p> <p>20 there, I'm willing to get that for the plaintiffs.</p> <p>21 MR. GEIGER: Maybe I'm confused,</p> <p>22 but -- so with respect to the plaintiffs, so Marie</p> <p>23 is going to produce not just the regular personnel</p> <p>24 file, but the medical file for each plaintiff as</p> | <p style="text-align: right;">Page 155</p> <p>1 Defendant Halcovage, Defendant Bender, and</p> <p>2 Defendant Roth, I did not request anything -- it's</p> <p>3 Document Request 15. I don't have the FMLA,</p> <p>4 reasonable accommodation request. I don't have</p> <p>5 leave of absence request. I have a list of</p> <p>6 things. Assuming that there is nothing -- it's</p> <p>7 attendance records, applications for employment,</p> <p>8 disciplinary records, performance records,</p> <p>9 criminal records, compensation, X, Y, Z, it's in</p> <p>10 Document Request 14.</p> <p>11 To the extent that none of those</p> <p>12 things are in the medical file, which based off</p> <p>13 this list and what I am thinking is in the medical</p> <p>14 file, it doesn't look like I am requesting within</p> <p>15 the medical file. However, if an attendance</p> <p>16 record, for instance, was in the medical file, I</p> <p>17 would just want to be provided with that as it was</p> <p>18 requested. I think attendance is relevant and</p> <p>19 discoverable. I'm not asking for things other</p> <p>20 than that in the medical files of those three</p> <p>21 defendants.</p> <p>22 But -- so while my paralegal pulls</p> <p>23 up Zula's request, just to make sure hers isn't</p> <p>24 any different, I can't imagine it will be based</p> |
| <p style="text-align: right;">Page 154</p> <p>1 well, right?</p> <p>2 MS. JONES: Yes. I'm going to seek</p> <p>3 to get that and assume that's where they are.</p> <p>4 MR. GEIGER: Because I think it's</p> <p>5 relevant with respect to the plaintiffs.</p> <p>6 MS. JONES: Yeah.</p> <p>7 MR. GEIGER: But not with respect</p> <p>8 to the defendants.</p> <p>9 MS. SMITH: And we're getting to</p> <p>10 the defendants now.</p> <p>11 MS. JONES: I think I agree with</p> <p>12 you, Gerry, so I was preserving that as well. Go</p> <p>13 ahead.</p> <p>14 MS. SMITH: Ms. Jane Doe 4 is 302</p> <p>15 through 359. Jane Doe 3 is 400 through 466. And</p> <p>16 all are in SC's first production.</p> <p>17 MS. JONES: Okay. This is a clear</p> <p>18 example of the issue I was concerned about in the</p> <p>19 notice, but I think this is a way to address it.</p> <p>20 MS. SMITH: Okay.</p> <p>21 MS. JONES: So Mr. Bender here</p> <p>22 won't be having to --</p> <p>23 MS. SMITH: So I did not request</p> <p>24 and I am not -- so -- yeah. Yeah. Yeah. So for</p>                       | <p style="text-align: right;">Page 156</p> <p>1 off how I do discovery, Bender's, what I believe</p> <p>2 is Bender's personnel file, is SC 1 through 36.</p> <p>3 Defendant Roth is SC 360 to 399.</p> <p>4 And Defendant Halcovage is SC 189 to 226.</p> <p>5 So Defendant Heidi Zula and</p> <p>6 Defendant Kutzler's personnel file requests were</p> <p>7 the same, so, again, unless there is, like, a</p> <p>8 slight overlap of something in her medical file,</p> <p>9 I'm not requesting the entire contents.</p> <p>10 A. I do not have -- and it may be and if</p> <p>11 this is the answer, I would just ask for it in</p> <p>12 writing from the county, that there might not be</p> <p>13 one that exists for Defendant Kutzler. And if</p> <p>14 that's the case, then -- then that's the case. I</p> <p>15 just ask for that clarification because it wasn't</p> <p>16 clear on the production.</p> <p>17 And then Zula -- oh, Zula's are 1 --</p> <p>18 Zula's are 1 to 65, but in Zula's production</p> <p>19 because the county produced its own documents and</p> <p>20 then Zula's document request and production came</p> <p>21 later. So I believe Zula's personnel file</p> <p>22 contents are Zula's Production Documents 1 to 65.</p> <p>23 I don't know why I don't have a copy for you,</p> <p>24 but...</p>                            |

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| <p>Page 157</p> <p>1 MS. JONES: I'm sorry. Could you<br/>2 say the Zula numbers again.<br/>3 MS. SMITH: It's Zula production of<br/>4 documents 1 to 65.<br/>5 MS. JONES: I'm guessing -- I'm<br/>6 guessing that was me, we -- that we produced that.<br/>7 No?<br/>8 MS. SMITH: Yes, but it wasn't --<br/>9 there was no --<br/>10 MS. JONES: It was later?<br/>11 MS. SMITH: I don't know if you<br/>12 were in at that point or not. I can't -- I can't<br/>13 recall.<br/>14 MS. JONES: Well, she was a named<br/>15 party initially, so maybe not.<br/>16 MS. SMITH: So maybe not. But in<br/>17 any event, there was no indication in the response<br/>18 to doc production that delineated which documents<br/>19 were the contents of her personnel file, so I'm<br/>20 just asking for clarification that my assumption<br/>21 that one is Zula's production, 1 to 65, are, in<br/>22 fact, the contents of her personnel file.<br/>23 And I'm pretty sure since the<br/>24 production of documents, Ms. Zula was employed for</p>                                                                                                                                                                                            | <p>Page 159</p> <p>1 think, on this topic, other than a few questions<br/>2 for Mr. Bender as a 30B6 witness, is a date.<br/>3 MS. JONES: Date of what?<br/>4 MS. SMITH: Of when we can expect a<br/>5 response. I just want to -- you can say whatever<br/>6 date you want, I just want to try and get to an<br/>7 agreement on the record so we can have a<br/>8 definitive date and not just have to continually<br/>9 ask if you're providing it to us.<br/>10 MS. JONES: Yeah. I'd probably<br/>11 tell you 30 days, but, you know.<br/>12 MS. SMITH: I -- I -- 30 days is<br/>13 fine.<br/>14 MS. JONES: Okay.<br/>15 MS. SMITH: As long as I have it by<br/>16 the 30 days, that gives us -- that puts us at the<br/>17 end of April.<br/>18 MS. JONES: Yeah. And if we aren't<br/>19 going to produce something for a reason, that I<br/>20 can identify you ahead of that.<br/>21 MS. SMITH: Okay.<br/>22 MS. JONES: But, again, the other<br/>23 defendants, I think, appropriately, and I would<br/>24 for Mr. Bender individually and Ms. Zula</p>        |
| <p>Page 158</p> <p>1 sometime thereafter, so there may be additional<br/>2 documents and we would just ask that, given on the<br/>3 request for continual discovery, that any<br/>4 newly-added documents be produced as well.<br/>5 MS. JONES: Yeah. So, look, I'm<br/>6 trying to be cooperative in the spirit of<br/>7 what this -- today's deposition was for. And<br/>8 you've gathered the documents that we've already<br/>9 produced. I just don't want to be producing<br/>10 something that either wasn't requested or that<br/>11 their lawyers, independent lawyers believe is<br/>12 improper.<br/>13 You know, I do think -- I know you<br/>14 issued the 30B6 notice, Catherine. I think maybe<br/>15 a more specific conversation about this could have<br/>16 been useful. And I don't think I understood this<br/>17 was your issue. But, you know, that we could<br/>18 address, but -- before today. But that's okay.<br/>19 I'm willing to try to do that so we can avoid --<br/>20 you know, this is a lot to get through with<br/>21 somebody who is not going to be able to do the<br/>22 details based on my objections from the beginning<br/>23 of this, so...<br/>24 MS. SMITH: The only other thing, I</p> | <p>Page 160</p> <p>1 individually, raise issues about the medical<br/>2 stuff, the personal stuff. I don't know about<br/>3 attendance, but I don't know if there is even such<br/>4 a thing for persons in those positions, but...<br/>5 MS. SMITH: So Document Request 15<br/>6 for Bender, Halcovage, and Roth.<br/>7 MS. JONES: Oh, 15, not 14.<br/>8 MS. SMITH: Fourteen is the<br/>9 plaintiffs, right.<br/>10 MS. JONES: Okay.<br/>11 MS. SMITH: Fourteen plaintiffs, 15<br/>12 is defendants. And then for Zula in her doc<br/>13 request it's nine. And for Kutzler it's nine as<br/>14 well.<br/>15 MS. JONES: So, Defense Counsel, I<br/>16 can let you know what we're gathering. But is<br/>17 there any other positions that you want to<br/>18 identify that I haven't identified?<br/>19 MS. SMITH: Any -- what do you mean<br/>20 positions?<br/>21 MS. JONES: Objections or issues.<br/>22 MS. SMITH: I mean, the only other<br/>23 issue is if there are objections raised by you, I<br/>24 would say that they were waived as being responses</p> |

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| <p>Page 161</p> <p>1 of defendants, have no objections, just see<br/>2 attached produced records. I understand it wasn't<br/>3 you, but I believe that your prior counsel was<br/>4 binding and there was no objections.<br/>5 MS. JONES: I'm asking counsel<br/>6 today about what I have agreed to do, if they have<br/>7 any objection that I should know about that.<br/>8 MS. SMITH: I am just saying, in<br/>9 the event that the county tries to raise<br/>10 objections, my position will be that those<br/>11 objections were waived. Again, not you,<br/>12 Ms. Jones, but your -- your clients,<br/>13 unfortunately, are bound by the actions of their<br/>14 prior counsel and no objections were raised in the<br/>15 document production.<br/>16 MS. JONES: I think we'd probably<br/>17 dealt the deficiency letters in some respects<br/>18 already. I understand your position.<br/>19 MS. SMITH: Other than that, I do<br/>20 just have few questions for Mr. Bender as the 30B6<br/>21 witness.<br/>22 MS. JONES: I'm sorry. Did you say<br/>23 that was No. 9 for Zula and Kutzler?<br/>24 MS. SMITH: Yes.</p> | <p>Page 163</p> <p>1 MS. JONES: It's not -- the<br/>2 objection I raise is not to you grouping them<br/>3 together, it's the other --<br/>4 MS. SMITH: Okay.<br/>5 BY MS. SMITH:<br/>6 Q. Mr. -- as the 30(b)(6) witness here<br/>7 today, in preparation for today's deposition, did<br/>8 you review the contents of any of the plaintiffs,<br/>9 Jane Doe 2, Jane Doe 1, Jane Doe 4, or Jane Doe<br/>10 3's personnel file?<br/>11 MS. JONES: Object to the form.<br/>12 He may answer.<br/>13 THE WITNESS: I did not.<br/>14 BY MS. SMITH:<br/>15 Q. In preparation for today's deposition,<br/>16 did you review the contents of any of the<br/>17 plaintiff's, Jane Doe 2, Jane Doe 1, Jane Doe 4,<br/>18 or Jane Doe 3's medical files?<br/>19 MS. JONES: Same objection.<br/>20 You may answer.<br/>21 THE WITNESS: I did not.<br/>22 BY MS. SMITH:<br/>23 Q. In preparation for today's deposition,<br/>24 did you review any of the individually named</p>                          |
| <p>Page 162</p> <p>1 BY MS. SMITH:<br/>2 Q. All right.<br/>3 I just -- I'm going to run through some<br/>4 quick questions with you, just so I have a clear<br/>5 record.<br/>6 Mr. -- Mr. 30B6 Witness, at any point in<br/>7 preparation for today's deposition did you review<br/>8 the contents of Jane Doe 2's personnel file?<br/>9 A. I did --<br/>10 MS. JONES: Okay. I am going to<br/>11 object to the form of the question on every one of<br/>12 these, so if you just want to put it all in one,<br/>13 it might be easier.<br/>14 MS. SMITH: We can just have a<br/>15 standing objection.<br/>16 MS. JONES: Well, I think I should<br/>17 lodge it to the right questions. But if -- my<br/>18 question -- my point is simply, if you're going to<br/>19 say that as to each individual --<br/>20 MS. SMITH: Okay. If you're not<br/>21 going to object to form as to me grouping them<br/>22 together.<br/>23 MS. JONES: I won't.<br/>24 MS. SMITH: Okay.</p>                                                                                                                                                       | <p>Page 164</p> <p>1 defendants, Halcovage, Bender, Rother, Zula, or<br/>2 Kutzler's personnel file?<br/>3 MS. JONES: Object to the form.<br/>4 You may answer.<br/>5 THE WITNESS: I did not.<br/>6 BY MS. SMITH:<br/>7 Q. Does the county conduct annual<br/>8 evaluations of employees?<br/>9 A. The county, per se, no. There are<br/>10 annual evaluations made for civil service<br/>11 employees and those employee would be employees in<br/>12 senior services, in children and youth, and in the<br/>13 drug, alcohol, and mental health disability<br/>14 services, developmental service.<br/>15 Q. Does the county conduct any interim<br/>16 evaluations of any employees?<br/>17 A. Do not.<br/>18 Q. Does the county conduct any evaluations<br/>19 of employees, like formal evaluations?<br/>20 A. As a matter of form or routine, I don't<br/>21 think so, no.<br/>22 Q. Okay.<br/>23 Other than those -- just so the record<br/>24 is clear, other than those civil --</p> |

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| <p style="text-align: right;">Page 165</p> <p>1 A. Correct.</p> <p>2 Q. -- service positions?</p> <p>3 A. Correct.</p> <p>4 Q. Okay.</p> <p>5 What verbal warnings has Jane Doe 1 been</p> <p>6 subjected to during her employment with the</p> <p>7 county?</p> <p>8 MS. JONES: Okay. I'm going to</p> <p>9 object to the form of the question. And I believe</p> <p>10 that our lengthy discussion about records would</p> <p>11 likely assist in addressing those issues.</p> <p>12 But if you want to ask him those</p> <p>13 things, you can.</p> <p>14 And you can answer subject to my</p> <p>15 objection.</p> <p>16 BY MS. SMITH:</p> <p>17 Q. What verbal warnings has Jane Doe 1 been</p> <p>18 subjected to during her employment with the</p> <p>19 county?</p> <p>20 A. I think Heidi advised her about her</p> <p>21 timeliness of her reports.</p> <p>22 Q. On how many occasions?</p> <p>23 A. That I don't know.</p> <p>24 Q. So you are aware of at least one</p>                                                                                                                                                                                      | <p style="text-align: right;">Page 167</p> <p>1 disciplinary.</p> <p>2 Q. Okay.</p> <p>3 That --</p> <p>4 A. So I would think if you want all of</p> <p>5 them -- I would think that Ms. Zimmerman probably</p> <p>6 has talked to her on occasion about the timeliness</p> <p>7 of the submission of her time sheets and the</p> <p>8 completeness of them.</p> <p>9 Q. Okay.</p> <p>10 So let's go -- I don't want to say back,</p> <p>11 because that's not the right word, but let's kind</p> <p>12 of unpack that a little bit.</p> <p>13 A. Okay.</p> <p>14 Q. So fair distinction, and I appreciate</p> <p>15 that, of kind of an educational instruction versus</p> <p>16 a documented verbal warning. And it's always a</p> <p>17 little bit weird to say a verbal that has a</p> <p>18 document because essentially --</p> <p>19 A. I know.</p> <p>20 Q. -- it's written.</p> <p>21 A. I know.</p> <p>22 Q. But -- but there are warnings that are</p> <p>23 verbal, but are memorialized that the county</p> <p>24 employees or department heads can issue to their</p>                                                                                                                                                                                                                                           |
| <p style="text-align: right;">Page 166</p> <p>1 occasion that Heidi advised Jane Doe 1 of the</p> <p>2 timeliness of her reports?</p> <p>3 A. Yes.</p> <p>4 Q. Okay.</p> <p>5 Then just so the clear is clear, those</p> <p>6 are the STEB or the State Tax Equalization Board</p> <p>7 reports?</p> <p>8 A. Yes.</p> <p>9 Q. Okay.</p> <p>10 Any other verbal warnings that you're</p> <p>11 aware of that Jane Doe 1 has been subjected to</p> <p>12 during her employment with the county?</p> <p>13 A. I think Ms. Zimmerman has -- you know --</p> <p>14 you know, we can get into that definition of a</p> <p>15 verbal. There are -- there are two types of</p> <p>16 verbal warnings. You can say, well, one can be</p> <p>17 just more of an educational. In other words, you</p> <p>18 know, Mrs. Smith, you're not completing your</p> <p>19 assignments on time, you got to do a better job</p> <p>20 getting these in here.</p> <p>21 But there there's an official one that</p> <p>22 we would say, okay, here's a verbal warning and</p> <p>23 you have to document that you received it. So</p> <p>24 some are just educational, some are -- are more</p> | <p style="text-align: right;">Page 168</p> <p>1 employees. And then there's what would be called</p> <p>2 a written warning, where there's actually writing</p> <p>3 that says written warning on it, correct?</p> <p>4 A. That is correct.</p> <p>5 Q. Okay.</p> <p>6 So what I want to know is how the county</p> <p>7 treats educational discussions. I don't want to</p> <p>8 call them warnings, but educational discussions or</p> <p>9 I think as you called them, educational warnings</p> <p>10 and these memorialized verbal warnings, how the</p> <p>11 county treats them differently, if at all?</p> <p>12 A. A verbal warning that's more of</p> <p>13 educational, in my opinion, like I would -- if</p> <p>14 you're not producing a work product the way -- I</p> <p>15 think I said you're making a lot of mistakes, I</p> <p>16 would address that as you're making a lot of</p> <p>17 mistakes, here's what I suggest that you do and</p> <p>18 you really want to come up because we can't have</p> <p>19 these mistakes. That would be the end of it.</p> <p>20 If it's something, I'd say, you know, I</p> <p>21 can -- don't take offense, I am using you.</p> <p>22 Q. You're fine.</p> <p>23 A. You know, Ms. Smith, we talked about</p> <p>24 this a number of times and it happened -- so --</p> |



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| <p style="text-align: right;">Page 169</p> <p>1 and we'd go to HR, then it would be more a verbal<br/>2 warning that HR would be involved in with and that<br/>3 would be a -- a document made.<br/>4 Q. So then as I understand it, and correct<br/>5 me if I'm wrong, this educational discussion is<br/>6 more of that, an education discussion, where a<br/>7 verbal warning is more of a disciplinary action?<br/>8 A. It puts the employer on notice that<br/>9 the -- you know, that they have to step up to the<br/>10 plate and get their -- their -- their work done.<br/>11 It's not really -- you don't want to get them<br/>12 afraid that they're going to be disciplined, but<br/>13 then when you go to take them over to HR, that is<br/>14 now a step in the discipline process.<br/>15 Especially with union employees, because<br/>16 union employees, they do want to see that step.<br/>17 Q. Okay.<br/>18 Educational discussions, warnings,<br/>19 whatever, the non-verbal memorialized ones, are<br/>20 those memorialized in any way or -- or is there<br/>21 any county policy or procedure about memorializing<br/>22 educational discussions or warnings?<br/>23 A. No.<br/>24 Q. Okay.</p> | <p style="text-align: right;">Page 171</p> <p>1 that other revisions that come along would start<br/>2 to have that -- that documentation in there.<br/>3 Q. Okay.<br/>4 So right now it's just a<br/>5 non-memorialized, other than what's in the<br/>6 policies we've looked at, a non-memorialized<br/>7 procedure or policy of the county that someone who<br/>8 is subjected to a verbal warning of a disciplinary<br/>9 type, it should be documented in some manner?<br/>10 A. Yes. You want the employee to<br/>11 acknowledge that they have received a verbal<br/>12 warning.<br/>13 Q. And the documentation that accompanies a<br/>14 verbal disciplinary warning and the employees<br/>15 acknowledgment of that warning, where are those<br/>16 documents maintained?<br/>17 A. Those, I suspect, would be in their<br/>18 personnel file.<br/>19 Q. Okay.<br/>20 So this is -- I'm not trying to -- to<br/>21 trick you or close anything -- any avenues here.<br/>22 Educational may not be documented in any form,<br/>23 correct?<br/>24 A. That is correct.</p> |
| <p style="text-align: right;">Page 170</p> <p>1 Is there any county policy or procedure<br/>2 about memorializing verbal warnings?<br/>3 A. If you look at some of the -- the<br/>4 documents here, there is a section on verbal<br/>5 warning where the employee signs it that he or she<br/>6 has received a verbal warning.<br/>7 Q. Okay.<br/>8 You pointed to a stack of documents<br/>9 before you. Do you believe that there is<br/>10 something in -- because we've only looked at<br/>11 sexual harassment, antidiscrimination policies so<br/>12 far, that's the stack you pointed to. Do you<br/>13 believe that one of those policies there's<br/>14 something about warnings?<br/>15 A. In the sexual harassment one? Yes, we<br/>16 know there is. We looked at that one.<br/>17 Q. There's something about warnings?<br/>18 A. Yes.<br/>19 Q. Okay.<br/>20 Any other county policy that is written<br/>21 about warn -- verbal warnings being administered<br/>22 to employees?<br/>23 A. Not that I'm aware of. And since that<br/>24 was a recent revision of that, I would suspect</p>                                                                                                                  | <p style="text-align: right;">Page 172</p> <p>1 Q. And so there may not be a knowledge of<br/>2 the county as to every educational conversation a<br/>3 supervisor has with an employee, correct?<br/>4 A. That would be correct.<br/>5 Q. Okay.<br/>6 But the verbal warnings of the<br/>7 disciplinary sense, the county through the<br/>8 personnel files of each employee, should have an<br/>9 understanding of, correct?<br/>10 A. That is correct.<br/>11 Q. Okay.<br/>12 So I -- for these next questions related<br/>13 to the plaintiffs and their verb -- and verbal<br/>14 warnings, I'm simply asking not about those<br/>15 educational conversations, as you have<br/>16 differentiated, but about the verbal disciplinary<br/>17 type that should be documented and in their<br/>18 personnel file.<br/>19 Verbal warnings that Jane Doe 1 has been<br/>20 subjected to, verbal disciplinary that are<br/>21 documented, are you aware of any, you the county?<br/>22 A. Yes.<br/>23 Q. Okay.<br/>24 I know --</p>                                                 |



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| <p style="text-align: right;">Page 173</p> <p>1 A. I'm aware there must be because I think</p> <p>2 the -- she actually received a suspension at one</p> <p>3 point. So that would have come -- so you to</p> <p>4 verbal to written and then to a potential</p> <p>5 suspension.</p> <p>6 Q. Okay.</p> <p>7 So do you know what a progressive</p> <p>8 discipline policy is?</p> <p>9 A. Yes.</p> <p>10 Q. Is -- does the county, whether in</p> <p>11 writing or elsewhere, does the county follow</p> <p>12 progressive discipline?</p> <p>13 A. For all union employees, yes, that is in</p> <p>14 the union contracts.</p> <p>15 Q. Okay.</p> <p>16 What about for non-union employees?</p> <p>17 A. I don't think there is.</p> <p>18 Q. Does the -- there's no written, is that</p> <p>19 what --</p> <p>20 A. Correct.</p> <p>21 Q. -- I am understanding?</p> <p>22 Does the county follow a progressive</p> <p>23 discipline for non-union employees, even if it's</p> <p>24 not in writing?</p>                       | <p style="text-align: right;">Page 175</p> <p>1 was -- is the one where Heidi advise Jane Doe 1 of</p> <p>2 the timeliness -- the timeliness of her STEB</p> <p>3 reports?</p> <p>4 A. That would be correct.</p> <p>5 Q. Okay.</p> <p>6 So other than that one, are you aware of</p> <p>7 any of the verbal warnings that have been issued</p> <p>8 to Jane Doe 1?</p> <p>9 A. I am not.</p> <p>10 MS. JONES: I just want to object</p> <p>11 to the form. I wanted to object to the form. I</p> <p>12 couldn't get it out.</p> <p>13 BY MS. SMITH:</p> <p>14 Q. What about written warnings that Jane</p> <p>15 Doe 1 has been subjected to, are you aware of any?</p> <p>16 And I am differentiating them from suspensions,</p> <p>17 because, right, there's verbal, written, and then</p> <p>18 suspension, and then termination, right?</p> <p>19 A. Yes. So I would suspect that there</p> <p>20 would be a written warning in there as well.</p> <p>21 Q. Okay.</p> <p>22 What was that for?</p> <p>23 A. I think for the same topic.</p> <p>24 Q. Okay.</p> |
| <p style="text-align: right;">Page 174</p> <p>1 A. We certainly would encourage that, but</p> <p>2 all non-union employees are at-will employees.</p> <p>3 Q. Okay.</p> <p>4 So Jane Doe 1, the verbal -- verbal, I'm</p> <p>5 not talking about written --</p> <p>6 A. Okay.</p> <p>7 Q. -- I am not talking about suspensions at</p> <p>8 this point, verbal warnings that Jane Doe 1 has</p> <p>9 been subjected to during her employment, how</p> <p>10 many -- are there any, how many?</p> <p>11 A. Well, I know there would be at least</p> <p>12 one. I don't know how many would be in there.</p> <p>13 Q. Okay.</p> <p>14 Is the one -- as I think as I understood</p> <p>15 your testimony, correct me if I'm wrong, the</p> <p>16 Zim -- Jane Doe 1 and Ms. Zimmerman's</p> <p>17 conversations were more the educational type,</p> <p>18 correct?</p> <p>19 A. Uh-huh.</p> <p>20 Q. Is that a yes?</p> <p>21 A. Yes.</p> <p>22 Q. Okay.</p> <p>23 A. Sorry.</p> <p>24 Q. So was the one that you're speaking of</p> | <p style="text-align: right;">Page 176</p> <p>1 And what about suspensions, has Jane Doe</p> <p>2 1 ever been suspended?</p> <p>3 A. Yes.</p> <p>4 Q. For how long?</p> <p>5 A. Three days.</p> <p>6 Q. Prior to being suspended, was Jane Doe 1</p> <p>7 afforded a Loudermill Hearing?</p> <p>8 A. Yes.</p> <p>9 Q. Do you know when that was?</p> <p>10 A. I do not.</p> <p>11 Q. Jane Doe 1 is still a county employee,</p> <p>12 so fair to say she hasn't been terminated, right?</p> <p>13 A. That is correct.</p> <p>14 Q. Moving on to Jane Doe 2. What verbal</p> <p>15 warnings was Jane Doe 2 subject -- subjected to</p> <p>16 during her employment at the county? And, again,</p> <p>17 differentiating from the educational topic, but</p> <p>18 more the -- what verbal disciplinary warnings was</p> <p>19 she subjected to?</p> <p>20 MS. JONES: So I am going to just</p> <p>21 object to the form on the same basis as my</p> <p>22 objections about the review of the personnel</p> <p>23 records.</p> <p>24 But you may answer.</p>           |

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| <p>Page 177</p> <p>1 THE WITNESS: Yes, she would have</p> <p>2 for failure to be at work.</p> <p>3 BY MS. SMITH:</p> <p>4 Q. How many verbal warnings?</p> <p>5 A. That I don't know.</p> <p>6 Q. Was Jane Doe 2 -- did Jane Doe 2 ever</p> <p>7 receive a written warning during her employment</p> <p>8 with the county?</p> <p>9 A. I would assume she has, yes.</p> <p>10 Q. How many?</p> <p>11 A. At least one.</p> <p>12 Q. Are you aware of any more than one?</p> <p>13 A. I'm not aware of any.</p> <p>14 Q. Was Jane Doe 2 ever provided -- I'm</p> <p>15 sorry -- Jane Doe 2 ever suspended during her</p> <p>16 employment with the county?</p> <p>17 A. Yes.</p> <p>18 Q. When?</p> <p>19 A. I don't know the date. It would have</p> <p>20 been calendar year '22.</p> <p>21 Q. Was she afforded a Loudermill Hearing</p> <p>22 before being suspended?</p> <p>23 A. Yes.</p> <p>24 Q. So, I'm sorry, for Jane Doe 1 we talked</p>                           | <p>Page 179</p> <p>1 Loudermill Hearing?</p> <p>2 A. Would have been sometime in calendar</p> <p>3 year '22.</p> <p>4 Q. 2022?</p> <p>5 A. Correct.</p> <p>6 Q. Before her resignation was voted on?</p> <p>7 A. Yes.</p> <p>8 Q. You're sure of that?</p> <p>9 A. I'm sure of -- if you -- there was --</p> <p>10 there were two scheduled, let's put it that way.</p> <p>11 I can't -- I can't confirm that a second one was</p> <p>12 done. If she didn't show up for that, that would</p> <p>13 be the same thing as a Loudermill Hearing if you</p> <p>14 don't show up.</p> <p>15 Q. Was Jane Doe 2 ever notified of a</p> <p>16 Loudermill Hearing prior to her resignation being</p> <p>17 voted on?</p> <p>18 A. Oh, yes. Yes.</p> <p>19 Q. By who?</p> <p>20 A. That would have been Ms. Whalen.</p> <p>21 Q. In what form?</p> <p>22 A. I think a letter.</p> <p>23 Q. By e-mail, by mail, by carrier pigeon --</p> <p>24 A. I think by mail.</p>                       |
| <p>Page 178</p> <p>1 about Loudermill Hearing. Was Ms. -- Jane Doe 1</p> <p>2 only subjected or, I don't want to say</p> <p>3 subjected, did she only have one Loudermill</p> <p>4 Hearing during your employment?</p> <p>5 A. That I don't know.</p> <p>6 Q. Are you aware of any more than one?</p> <p>7 A. I'm not.</p> <p>8 Q. Same question for Jane Doe 2, you she</p> <p>9 had at least one Loudermill Hearing. Are you</p> <p>10 aware of any more than one Loudermill Hearing for</p> <p>11 Jane Doe 2?</p> <p>12 A. Yes.</p> <p>13 Q. How many?</p> <p>14 A. Two.</p> <p>15 Q. Okay.</p> <p>16 A. That I'm aware of.</p> <p>17 Q. So one was before she was suspended in</p> <p>18 the calendar year 2022; is that what you testified</p> <p>19 to?</p> <p>20 A. Yes.</p> <p>21 Q. And when was the other one?</p> <p>22 A. The other one was a Loudermill Hearing</p> <p>23 prior to termination or resignation.</p> <p>24 Q. When was Jane Doe 2 afforded a</p> | <p>Page 180</p> <p>1 Q. -- by fax?</p> <p>2 A. I think by mail.</p> <p>3 Q. To what address?</p> <p>4 A. That I don't know.</p> <p>5 Q. Does the county have a copy of that</p> <p>6 letter?</p> <p>7 A. I'm sure we do.</p> <p>8 Q. Was it sent certified mail or regular</p> <p>9 mail?</p> <p>10 A. That I don't know.</p> <p>11 Q. Other than those two Loudermill Hearings</p> <p>12 that you just discussed, is there any others that</p> <p>13 you were aware of that Jane Doe 2 was --</p> <p>14 participated in?</p> <p>15 A. Not that I'm aware of.</p> <p>16 Q. Was Jane Doe 2 terminated?</p> <p>17 A. She was not.</p> <p>18 Q. Has Jane Doe 2's resignation been voted</p> <p>19 on by the commissioners?</p> <p>20 A. It doesn't get voted on at the board.</p> <p>21 It goes through as informational only.</p> <p>22 Q. Well, Jane Doe 2's resignation was</p> <p>23 listed on the commissioners agenda for a vote at a</p> <p>24 public meeting, was it not?</p> |

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| <p style="text-align: right;">Page 181</p> <p>1 A. I think it was information only.</p> <p>2 Q. So Jane Doe 2 is not a county employee</p> <p>3 currently, correct?</p> <p>4 A. That is correct.</p> <p>5 Q. Jane Doe 2 was a member of the union,</p> <p>6 correct?</p> <p>7 A. That is correct.</p> <p>8 Q. Moving on to Jane Doe 4.</p> <p>9 What verbal warnings has Jane Doe 4 been</p> <p>10 subjected to during her employment with the</p> <p>11 county? And, again, just the verbal disciplinary</p> <p>12 type, not the educational.</p> <p>13 A. I'm not aware of any for Jane Doe 4.</p> <p>14 Q. Well, written --</p> <p>15 A. Well, nevermind. She -- she had to get</p> <p>16 a verbal. Yes, I think there was at least one.</p> <p>17 Q. Okay.</p> <p>18 When was that?</p> <p>19 A. That would have been in -- probably</p> <p>20 sometime in March of 2021.</p> <p>21 Q. Who administered that?</p> <p>22 A. Ms. Zula.</p> <p>23 Q. Was it documented in anyway?</p> <p>24 A. Yes.</p>                                          | <p style="text-align: right;">Page 183</p> <p>1 Q. Okay.</p> <p>2 So you are aware of some sort of</p> <p>3 disciplinary action?</p> <p>4 A. Yes.</p> <p>5 Q. By the county that Jane Doe 4 was</p> <p>6 subjected to, roughly in the time range of</p> <p>7 March of 2021, that Ms. Zula documented regarding</p> <p>8 Jane Doe 4's interaction with an Anthony Alu; am I</p> <p>9 understanding you correctly?</p> <p>10 A. Yes.</p> <p>11 Q. And other than that, you are not aware</p> <p>12 of any other verbal disciplinary warnings issued</p> <p>13 to Jane Doe 4 by the county?</p> <p>14 A. I am not.</p> <p>15 Q. Okay.</p> <p>16 What about any other written warnings</p> <p>17 issued by Jane Doe 4 -- to Jane Doe 4 by the</p> <p>18 county?</p> <p>19 A. I'm not aware of any.</p> <p>20 Q. Okay.</p> <p>21 So whether that Alu one is a verbal or a</p> <p>22 written, that's the only type of warning --</p> <p>23 A. As -- as far as I know, yes, ma'am.</p> <p>24 Q. Okay.</p> |
| <p style="text-align: right;">Page 182</p> <p>1 Q. In writing?</p> <p>2 A. Yes.</p> <p>3 Q. Where would that document be maintained?</p> <p>4 A. That would be in her personnel file.</p> <p>5 Q. Did Ms. -- Jane Doe 4 acknowledge</p> <p>6 receipt of that documentation?</p> <p>7 A. I'm sure she did.</p> <p>8 Q. What was the incident which resulted in</p> <p>9 her receiving a verbal warning?</p> <p>10 A. I would have to look at the verbal</p> <p>11 warning. I know it was insubordination and</p> <p>12 disrespect.</p> <p>13 Q. Are you referring to the Tony Alu</p> <p>14 situation?</p> <p>15 A. Yes, I am.</p> <p>16 Q. Okay.</p> <p>17 If I told you that that was a written</p> <p>18 warning, that -- that that write up or that</p> <p>19 disciplinary action indicates written warning.</p> <p>20 Are you aware of anything other than that, that</p> <p>21 you believe is a verbal warning that Jane Doe 4</p> <p>22 was subjected to?</p> <p>23 A. If there wasn't one before, no, I'm not</p> <p>24 then if she...</p> | <p style="text-align: right;">Page 184</p> <p>1 Was Jane Doe 4 ever provided a</p> <p>2 Loudermill Hearing during her employment with the</p> <p>3 county?</p> <p>4 A. No.</p> <p>5 Q. Jane Doe 4 -- was Jane Doe 4, other than</p> <p>6 her current ongoing, unpaid suspension, ever</p> <p>7 suspended by the county?</p> <p>8 A. No.</p> <p>9 Q. Jane Doe 4 has been and is currently --</p> <p>10 has been suspended and is currently still</p> <p>11 indefinitely suspended by the counsel, correct?</p> <p>12 A. That is correct.</p> <p>13 Q. Was she afforded a Loudermill Hearing</p> <p>14 before that suspension?</p> <p>15 A. She probably would have been. I don't</p> <p>16 know.</p> <p>17 Q. The county commissioners voted on Jane</p> <p>18 Doe 4's termination at some point, correct?</p> <p>19 A. She was not -- yes.</p> <p>20 Q. They voted on it?</p> <p>21 A. Yes. Yes. I'm sorry. Yes.</p> <p>22 Q. Okay.</p> <p>23 How many times?</p> <p>24 A. Two.</p>                |

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| <p>Page 185</p> <p>1 Q. Neither for passed by majority vote,<br/>2 correct?</p> <p>3 A. That is correct.</p> <p>4 Q. Do you recall when those two times were?</p> <p>5 A. No, I don't.</p> <p>6 Q. Okay.</p> <p>7 Has Jane Doe 4 been terminated?</p> <p>8 A. She has not.</p> <p>9 Q. What's the status of Jane Doe 4's<br/>10 employment?</p> <p>11 A. She's suspended -- she's suspended --<br/>12 suspended employee at this point.</p> <p>13 Q. If the votes did not pass by majority,<br/>14 why has she not been reinstated?</p> <p>15 A. Because the vote really wasn't --<br/>16 Commissioner Hess's vote was not -- that was<br/>17 double negative, it wasn't a no vote, he wanted to<br/>18 see more investigation.</p> <p>19 Q. When was that vote taken?</p> <p>20 A. I don't know.</p> <p>21 Q. Has that additional investigation been<br/>22 conducted?</p> <p>23 A. There were two, yes.</p> <p>24 Q. They have both been concluded?</p> <p>Page 186</p> <p>1 A. No.</p> <p>2 Q. When will they be concluded?</p> <p>3 A. I don't know.</p> <p>4 Q. Has the county asked Eckert Seamans --<br/>5 I'm sorry. Strike that.</p> <p>6 Has the county asked for that additional<br/>7 investigation to be conducted by any definitive<br/>8 date?</p> <p>9 A. I'm unaware of anything.</p> <p>10 Q. And just so the record is clear, those<br/>11 investigations that were conducted at the request<br/>12 of Commissioner Hess were done by Eckert Seamans,<br/>13 correct?</p> <p>14 A. And Ms. Zula, there were --</p> <p>15 Q. There was three, so there's one by Ms.<br/>16 Zula and then two by Eckert Seamans, correct?</p> <p>17 A. That is correct.</p> <p>18 MS. JONES: Object to the form.</p> <p>19 BY MS. SMITH:</p> <p>20 Q. Ms. Zula's came before Commissioner Hess<br/>21 requested additional, correct?</p> <p>22 A. Yes.</p> <p>23 Q. Okay.</p> <p>24 So the ones that were additional, so the</p> | <p>Page 187</p> <p>1 county's own independent report, Ms. Zula's, were<br/>2 done after Commissioner Hess requested them and<br/>3 done by Eckert Seamans?</p> <p>4 MS. JONES: Object to the form.</p> <p>5 You may answer.</p> <p>6 THE WITNESS: Yes.</p> <p>7 BY MS. SMITH:</p> <p>8 Q. What verbal warnings has Jane Doe 3,<br/>9 again, for verbal warnings, I mean the<br/>10 disciplinary type, not the educational, has Jane<br/>11 Doe 3 been subjected to during her employment with<br/>12 the county?</p> <p>13 A. I know of at least one.</p> <p>14 Q. Okay.</p> <p>15 And when was that one?</p> <p>16 A. Probably around the same time as Jane<br/>17 Doe 4's.</p> <p>18 Q. Okay.</p> <p>19 And for what reason did she receive a<br/>20 verbal warning?</p> <p>21 A. I think that was also disrespect and<br/>22 insubordination.</p> <p>23 Q. Is that, again, an interaction with<br/>24 Mr. Alu?</p> <p>Page 188</p> <p>1 A. It is.</p> <p>2 Q. Okay.</p> <p>3 So, again, similar to Jane Doe 4, I'm<br/>4 going to represent to you that that was a written<br/>5 warning.</p> <p>6 A. Okay.</p> <p>7 Q. So whether we classify it as a verbal or<br/>8 a written, are there any other warnings, verbal<br/>9 disciplinary or written disciplinary that Jane Doe<br/>10 3 received, other than the one regarding her<br/>11 interaction with Mr. Alu?</p> <p>12 A. Not that I'm aware of.</p> <p>13 Q. Okay.</p> <p>14 Was Jane Doe 3 ever suspended, again,<br/>15 other than her current, unpaid, indefinite<br/>16 suspension, other than that one, was she ever<br/>17 suspended while employed by the county?</p> <p>18 A. No.</p> <p>19 Q. Was she ever provided a Loudermill<br/>20 Hearing during her employment with the county?</p> <p>21 A. I would think so, but I don't know that<br/>22 specifically.</p> <p>23 Q. How many times did the county vote on<br/>24 Jane Doe 3's termination? The county</p> |
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| <p>Page 189</p> <p>1 commissioners, I should say.</p> <p>2 A. Two.</p> <p>3 Q. Okay.</p> <p>4 Do you know when those were?</p> <p>5 A. I do not.</p> <p>6 Q. Has Jane Doe 3 been terminated?</p> <p>7 A. She has not.</p> <p>8 Q. What is the status of her employment?</p> <p>9 A. She's on suspension.</p> <p>10 Q. And why has she not been reinstated?</p> <p>11 A. Because the results of the investigation</p> <p>12 have not been concluded.</p> <p>13 Q. Are you aware of any other criticisms of</p> <p>14 the work performance of, let's start with Jane Doe</p> <p>15 3, other than what we've just discussed?</p> <p>16 So let me be clear. So the -- for Jane</p> <p>17 Doe 3, we talked about the Alu issue, which there</p> <p>18 was some sort of discipline and her current</p> <p>19 suspension. Other than those, are you aware of</p> <p>20 any criticisms of Jane Doe 3's work performance</p> <p>21 during her employment with the county?</p> <p>22 A. On her work performance, I would say no.</p> <p>23 Q. Same question for Jane Doe 4, so other</p> <p>24 than the Alu disciplinary action of some sort,</p>       | <p>Page 191</p> <p>1 assessment office, there was some criticisms of</p> <p>2 her inability to get to work on time.</p> <p>3 Q. Okay.</p> <p>4 A. And reporting where she was.</p> <p>5 Q. Okay.</p> <p>6 Were those documented in any way?</p> <p>7 A. If they were, they would be in the file.</p> <p>8 Q. In her personnel file?</p> <p>9 A. That's correct.</p> <p>10 Q. Okay.</p> <p>11 And same question for Jane Doe 1, other</p> <p>12 than documented disciplinary --</p> <p>13 A. Let's go back to -- to Jane Doe 2 still.</p> <p>14 Q. Sure. Yeah.</p> <p>15 A. Because there's been other criticisms on</p> <p>16 her work performance in terms of turning in her</p> <p>17 reports from the field, not completing assignments</p> <p>18 in the field.</p> <p>19 Q. Okay.</p> <p>20 Anything else?</p> <p>21 A. No.</p> <p>22 Q. Okay.</p> <p>23 So moving on to -- to Jane Doe 1, other</p> <p>24 than documented disciplinary actions, are you</p>                                                                                                            |
| <p>Page 190</p> <p>1 verbal or written, and the current unpaid</p> <p>2 suspension, are you aware of any other criticisms</p> <p>3 of Jane Doe 4's work performance during her</p> <p>4 employment with the county?</p> <p>5 A. I'm unaware of any.</p> <p>6 Q. Okay.</p> <p>7 Same question for Jane Doe 2, so Jane</p> <p>8 Doe 2 we talked about two Loudermills, one for</p> <p>9 suspension, one for her resignation. You believe</p> <p>10 at least one written warning. And you believe --</p> <p>11 and I think a verbal for failure to be at work.</p> <p>12 Other than those, and correct me if I didn't</p> <p>13 recall them all correctly, are you aware of any</p> <p>14 other criticisms?</p> <p>15 So -- so let me put it this way, other</p> <p>16 than documented disciplinary issues with Jane Doe</p> <p>17 2, are you aware of any other criticisms regarding</p> <p>18 her work?</p> <p>19 A. Yes. When she was in the treasurer's</p> <p>20 office, she had an inability to -- to get to work</p> <p>21 on time.</p> <p>22 Q. Okay.</p> <p>23 Anything else?</p> <p>24 A. Same thin when she moved down to the tax</p> | <p>Page 192</p> <p>1 aware of any other criticisms about her work</p> <p>2 performance that exist?</p> <p>3 A. No. I think Ms. Murray had mentioned</p> <p>4 that when it came time for the STEB reports, it</p> <p>5 was always -- you had keep giving her consistent</p> <p>6 reminders to -- to complete them.</p> <p>7 Q. Anything else?</p> <p>8 A. Just recently not turning in -- the</p> <p>9 things that were documented, I guess, but we</p> <p>10 also -- she also received some, I guess,</p> <p>11 educational warnings in terms of -- we went</p> <p>12 through this a few minutes ago, on completing the</p> <p>13 time sheets and...</p> <p>14 Q. But those were educational --</p> <p>15 educational --</p> <p>16 A. You said undocumented. Those were --</p> <p>17 those would be undocumented.</p> <p>18 Q. Okay.</p> <p>19 Those were not disciplinary in nature or</p> <p>20 were they?</p> <p>21 A. Not all of them, no.</p> <p>22 MS. SMITH: Okay. Can we go off</p> <p>23 the record for just a second.</p> <p>24 VIDEOGRAPHER: The time is now</p> |



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| <p>Page 193</p> <p>1 12:18 p.m. and we're going off the record.</p> <p>2 - - -</p> <p>3 (Whereupon, brief recess was held off</p> <p>4 the record.)</p> <p>5 - - -</p> <p>6 VIDEOGRAPHER: The time is now</p> <p>7 1:25 p.m. and we're back on the record.</p> <p>8 BY MS. SMITH:</p> <p>9 Q. All right.</p> <p>10 Before the break we were discussing the</p> <p>11 plaintiffs evaluations, criticisms, job</p> <p>12 performance, things like that. I am going to go</p> <p>13 through some of the -- or I am going to go through</p> <p>14 the defendants now.</p> <p>15 But before I do so, did you discuss your</p> <p>16 deposition testimony at all during the lunch</p> <p>17 break?</p> <p>18 A. We did not.</p> <p>19 Q. So let's start with -- Defendant Bender.</p> <p>20 I'm going to ask about him now, but I'm going to</p> <p>21 be asking you, Mr. Bender, as the county about --</p> <p>22 A. Real standup guy.</p> <p>23 Q. -- Defendant Bender.</p> <p>24 And I am going to -- if we need to break</p>                                                                                             | <p>Page 195</p> <p>1 whether annual or interim during his employment?</p> <p>2 A. Not to my knowledge.</p> <p>3 Q. Any specific instances that could rise</p> <p>4 to an evaluation or criticism or any criticism of</p> <p>5 Mr. Roth's work performance during his employment</p> <p>6 with the county?</p> <p>7 A. No.</p> <p>8 Q. Defendant Zula, Heidi Zula, was she,</p> <p>9 during her employment with the county, ever</p> <p>10 subjected to any type of disciplinary action,</p> <p>11 verbal warning, written warning, suspension,</p> <p>12 Loudermill Hearing, or attempted termination?</p> <p>13 A. No.</p> <p>14 Q. Any evaluation conducted of Ms. Zula</p> <p>15 while she was employed by the county, whether</p> <p>16 annual or interim?</p> <p>17 A. No.</p> <p>18 Q. Any specific incident that you can think</p> <p>19 of or any criticism -- specific incident that</p> <p>20 gives rise to an evaluation or criticism or any</p> <p>21 criticism of Ms. Zula's work performance during</p> <p>22 her employment with county?</p> <p>23 A. No, not by management at all.</p> <p>24 Q. Okay.</p> |
| <p>Page 194</p> <p>1 it down, we can, but I'm just going to do a</p> <p>2 general to save some time.</p> <p>3 During his employment with the county,</p> <p>4 has Mr. Bender ever been subjected to any type of</p> <p>5 disciplinary warning, whether verbal, written,</p> <p>6 suspension, Loudermill, attempted termination?</p> <p>7 A. I have not.</p> <p>8 Q. Okay.</p> <p>9 Has Mr. Bender ever received any type of</p> <p>10 written evaluation, whether annual or interim?</p> <p>11 A. Have not.</p> <p>12 Q. Has Mr. Bender received any criticisms</p> <p>13 of his work performance?</p> <p>14 A. I have not.</p> <p>15 Q. For Defendant Roth, same questions.</p> <p>16 Again, if we need to break it down, we can, but</p> <p>17 first generally, has Defendant Roth during his</p> <p>18 employment with the county been subjected to any</p> <p>19 type of disciplinary action, verbal warning,</p> <p>20 written warning, suspension, Loudermill Hearing,</p> <p>21 attempted termination?</p> <p>22 A. Not to my knowledge.</p> <p>23 Q. Okay.</p> <p>24 Has Mr. Roth received any evaluation,</p> | <p>Page 196</p> <p>1 Defendant Kutzler, during her periods of</p> <p>2 contracting with the county as acting or interim</p> <p>3 HR director, was she subjected to any type of</p> <p>4 disciplinary action, verbal warning, written</p> <p>5 warning, suspension, Loudermill Hearing, or</p> <p>6 attempted termination?</p> <p>7 A. No.</p> <p>8 Q. Was Ms. Kutzler ever -- did she ever</p> <p>9 receive an evaluation, whether annual or interim?</p> <p>10 A. Not by the county, no.</p> <p>11 Q. And any instances that give rise to a</p> <p>12 criticism or any criticisms that she received for</p> <p>13 her work performance?</p> <p>14 A. Not through management.</p> <p>15 Q. So you just said, I think, for Ms. Zula</p> <p>16 and Ms. Kutzler, not through management.</p> <p>17 A. Yes.</p> <p>18 Q. Were there, like, non-management</p> <p>19 employees who complained?</p> <p>20 A. She would get criticized at public</p> <p>21 meetings.</p> <p>22 Q. Okay.</p> <p>23 A. Which is not really -- that was a</p> <p>24 criticism, but it was through management, it was</p>                            |

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| <p style="text-align: right;">Page 197</p> <p>1 through somebody from the public or...</p> <p>2 Q. Okay.</p> <p>3 Any -- other than at public meetings,</p> <p>4 did was there any criticisms of Ms. Zula or Ms.</p> <p>5 Kutzler's work performance?</p> <p>6 A. No.</p> <p>7 Q. Okay.</p> <p>8 So anyone -- would -- when you say</p> <p>9 public meetings, were those all commissioners</p> <p>10 meetings?</p> <p>11 A. Yes.</p> <p>12 Q. Okay.</p> <p>13 Are commissioner meetings recorded?</p> <p>14 A. They are.</p> <p>15 Q. By the county?</p> <p>16 A. They are.</p> <p>17 Q. Okay.</p> <p>18 And does the county maintain copies of</p> <p>19 those recordings?</p> <p>20 A. I think until the official minutes, they</p> <p>21 become the unofficial -- I would have -- we do,</p> <p>22 but I think once the recording is there and you</p> <p>23 make the minutes, then the minutes become the</p> <p>24 official document.</p>                                                 | <p style="text-align: right;">Page 199</p> <p>1 Twigg?</p> <p>2 A. Yes.</p> <p>3 Q. Okay.</p> <p>4 So other than that, no evaluation of his</p> <p>5 work performance in his position as commissioner?</p> <p>6 A. No.</p> <p>7 Q. Any criticisms of his work performance</p> <p>8 or his -- his performance as a commissioner that</p> <p>9 you can think of?</p> <p>10 A. Outside of that report, no.</p> <p>11 Q. Okay.</p> <p>12 So now we are going to go through some</p> <p>13 other individuals who have done work for the</p> <p>14 county. Going to start with Ms. Deborah Twigg.</p> <p>15 During her employment with the county,</p> <p>16 did she ever receive any -- was she ever subjected</p> <p>17 to any type of disciplinary action, whether</p> <p>18 verbal, written, suspension, Loudermill, or</p> <p>19 attempted termination?</p> <p>20 A. No.</p> <p>21 Q. Was her work ever criticized in anyway,</p> <p>22 Ms. Twigg's, during her employment with the</p> <p>23 county?</p> <p>24 A. No. I wouldn't say criticized. We had</p> |
| <p style="text-align: right;">Page 198</p> <p>1 Q. But is the recording still maintained or</p> <p>2 preserved?</p> <p>3 A. I would believe so.</p> <p>4 Q. Is it audio, visual, or both, the</p> <p>5 recording?</p> <p>6 A. Audio.</p> <p>7 Q. Okay.</p> <p>8 So there's no visual recording?</p> <p>9 A. No.</p> <p>10 Q. Okay.</p> <p>11 Defendant Halcovage, during his term,</p> <p>12 election with the county, has he ever been</p> <p>13 subjected to verbal -- any type of disciplinary</p> <p>14 action, verbal, written, suspension, Loudermill,</p> <p>15 or attempted termination?</p> <p>16 A. No.</p> <p>17 Q. Any evaluations ever conducted of</p> <p>18 Defendant Halcovage's work performance while he</p> <p>19 has been a commissioner?</p> <p>20 A. No. Unless you consider that report</p> <p>21 that was done as a -- an evaluation.</p> <p>22 Q. Okay.</p> <p>23 That's -- and the report, just so the</p> <p>24 record is clear, is that May 2020 report of Ms.</p> | <p style="text-align: right;">Page 200</p> <p>1 disagreements from time to time. But I guess I</p> <p>2 wouldn't define that as a criticism for work, it's</p> <p>3 just...</p> <p>4 Q. And so the record is clear, and I know</p> <p>5 it's awkward and I don't judge you for this, but</p> <p>6 you were saying we had disagreements. When you</p> <p>7 say we, are you saying we --</p> <p>8 A. Oh, I'm sorry. Ms. Twigg and I</p> <p>9 sometimes had --</p> <p>10 Q. You as in Mr. Bender?</p> <p>11 A. Yes.</p> <p>12 Q. Okay.</p> <p>13 So other than Mr. Bender, did the county</p> <p>14 or any of its employees, other than Mr. Bender,</p> <p>15 that you know, have any disagreements with Ms.</p> <p>16 Twigg?</p> <p>17 A. Not that I'm aware of.</p> <p>18 Q. Okay. I just -- because the you and the</p> <p>19 I --</p> <p>20 A. I got you.</p> <p>21 Q. I do want to clarify. Thank you.</p> <p>22 But, again, you said the disagreements</p> <p>23 Mr. Bender had with Ms. Twigg, you would not</p> <p>24 characterize as criticisms?</p>  |

| Page 201                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                      | Page 203                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                            |
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| <p>1 A. No.</p> <p>2 Q. Okay.</p> <p>3 And was Ms. Twigg ever evaluated during</p> <p>4 her employment, whether annual or interim?</p> <p>5 A. No.</p> <p>6 Q. Next we are going to discuss</p> <p>7 Ms. Virginia Murray.</p> <p>8 Are you aware of any disciplinary action</p> <p>9 that Ms. Murray was subjected to during her</p> <p>10 employment with the county, whether verbal,</p> <p>11 written, suspension, a Loudermill Hearing, or an</p> <p>12 attempted termination?</p> <p>13 A. I am not.</p> <p>14 Q. During her employment with the county,</p> <p>15 Ms. Murray's work ever criticized in any way?</p> <p>16 A. No, not that I'm aware of.</p> <p>17 Q. Was Ms. Murray ever evaluated, whether</p> <p>18 annual or interim?</p> <p>19 A. No.</p> <p>20 Q. Ms. Deborah Dash, was she ever subjected</p> <p>21 to any type of discipline, verbal, written,</p> <p>22 suspension, Loudermill, or attempted termination</p> <p>23 during her employment with the county?</p> <p>24 A. Not that I'm aware of.</p>                                                                               | <p>1 going to be a -- I forget what they call it -- a</p> <p>2 suspension was going to be recommended, but then</p> <p>3 she has filed a complaint.</p> <p>4 Q. With who? Like, an internal complaint?</p> <p>5 A. With HR. Yeah.</p> <p>6 Q. Okay.</p> <p>7 And as a result of her filing that</p> <p>8 complaint, her suspension was not enforced?</p> <p>9 A. It was not. We held off on that as</p> <p>10 pending the outcome of that report. And then in</p> <p>11 the interim, she has changed departments.</p> <p>12 Q. Okay.</p> <p>13 So that was the Loudermill. Let's go</p> <p>14 back to the written warning.</p> <p>15 A. Okay.</p> <p>16 Q. Was that separate and distinct from the</p> <p>17 issues this led up to the Loudermill?</p> <p>18 A. No. They're all related.</p> <p>19 Q. The verbal, the written, and the</p> <p>20 Loudermill?</p> <p>21 A. That is correct.</p> <p>22 Q. Okay.</p> <p>23 So what was the underlying issue with</p> <p>24 Ms. Warmkessel's work performance that led to</p>                                                                                                                                           |
| Page 202                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                      | Page 204                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                            |
| <p>1 Q. Was she ever -- did she ever receive an</p> <p>2 evaluation of her work, whether annual or interim,</p> <p>3 during her employment with the county?</p> <p>4 A. Not that I'm aware of.</p> <p>5 Q. And was she -- was her work ever</p> <p>6 criticized in any way?</p> <p>7 A. Not that I'm aware of.</p> <p>8 Q. Did the county ever -- I'm sorry.</p> <p>9 Colleen Warmkessel, was she ever subjected to any</p> <p>10 type of disciplinary action while she was employed</p> <p>11 by the county, whether verbal, written,</p> <p>12 suspension, Loudermill, or attempted termination?</p> <p>13 A. Yes.</p> <p>14 Q. Okay.</p> <p>15 So for Ms. Warmkessel, which of those</p> <p>16 types of disciplinary action Ms. Warmkessel</p> <p>17 subjected to?</p> <p>18 A. She received a verbal warning, a written</p> <p>19 warning, and she did have a Loudermill Hearing.</p> <p>20 Q. And then she was terminated?</p> <p>21 A. No. No, there was --</p> <p>22 Q. Oh, does she --</p> <p>23 A. She changed jobs in the meantime. She</p> <p>24 had -- it was a Loudermill Hearing. There was</p> | <p>1 disciplinary action, this disciplinary action?</p> <p>2 A. Too many errors in -- in her documents,</p> <p>3 which lead to lot of confusion, a lot of mistakes</p> <p>4 being put on deeds. And her failure then to take</p> <p>5 corrective action to fix those. She was offered</p> <p>6 some training for a period of time. She didn't</p> <p>7 complete that training and continued to make</p> <p>8 mistakes.</p> <p>9 Q. And this resulted in one disciplinary</p> <p>10 action or it resulted in a verbal and then a</p> <p>11 written at a separate time and then a Loudermill?</p> <p>12 A. I think that is correct. That's the</p> <p>13 pathway. There was a verbal warning, a written</p> <p>14 warning, and then the Loudermill hearing</p> <p>15 proceeded, a possible suspension.</p> <p>16 Q. So she was -- was there time in between</p> <p>17 each of those?</p> <p>18 A. Yes.</p> <p>19 Q. Okay. Okay.</p> <p>20 So it was for the same issue with her</p> <p>21 work performance, but at different periods in</p> <p>22 time?</p> <p>23 A. Correct. And there were a number of</p> <p>24 what we called this morning, those educational</p> |

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| <p>Page 205</p> <p>1 warnings.</p> <p>2 Q. Okay.</p> <p>3 Do you who administered Ms. Warmkessel's</p> <p>4 verbal warning?</p> <p>5 A. It would have been Ms. Whalen.</p> <p>6 Q. Was it documented?</p> <p>7 A. Oh, yes.</p> <p>8 Q. Did Ms. Warmkessel sign the receipt --</p> <p>9 or sign acknowledging receipt of the</p> <p>10 documentation?</p> <p>11 A. Yes. I think she did, yes.</p> <p>12 Q. Same with her written warning, who</p> <p>13 administered that?</p> <p>14 A. Ms. Whalen.</p> <p>15 Q. Was that also documented?</p> <p>16 A. Yes.</p> <p>17 Q. Did Ms. Warmkessel also sign for that?</p> <p>18 A. Yes.</p> <p>19 Q. And there would be some sort of written</p> <p>20 documentation for the Loudermill?</p> <p>21 A. That is correct.</p> <p>22 Q. Okay.</p> <p>23 Other than the issues and the</p> <p>24 disciplinary actions that resulted thereafter, was</p>                                                                                                                                                                                                       | <p>Page 207</p> <p>1 tax -- she had struggle in the tax claim office as</p> <p>2 well, but there were no written warnings that I</p> <p>3 could recall when she was in the tax -- she went</p> <p>4 from tax claim office over to tax assessment.</p> <p>5 Q. Okay.</p> <p>6 So you think, and correct me if I'm</p> <p>7 wrong if I'm not understanding your testimony,</p> <p>8 Ms. Warmkessel had issues in the tax claim office</p> <p>9 when she was employed in that office?</p> <p>10 A. Yes.</p> <p>11 Q. But they were not documented?</p> <p>12 A. I don't think so.</p> <p>13 Q. Disciplinary actions?</p> <p>14 A. I don't think so.</p> <p>15 Q. Okay.</p> <p>16 And then she transferred at some point,</p> <p>17 you believe, in 2021, to the tax assessment</p> <p>18 office. And you believe she had issues making too</p> <p>19 many errors, mistakes there as well?</p> <p>20 A. Correct.</p> <p>21 Q. Okay.</p> <p>22 A. And it could have been 2020. We...</p> <p>23 Q. Okay.</p> <p>24 So -- but --</p> |
| <p>Page 206</p> <p>1 Ms. Warmkessel's work ever criticized in any other</p> <p>2 way?</p> <p>3 A. Only in the number of errors, but that</p> <p>4 was a longstanding problem going on for quite a</p> <p>5 while.</p> <p>6 Q. When would you say those errors began?</p> <p>7 A. I think when she transferred into the</p> <p>8 assessment office, there was some -- it was a</p> <p>9 complicated job and I did have concerns when she</p> <p>10 took it because it's a -- I am very friendly with</p> <p>11 her, but sometimes you take positions for money</p> <p>12 that you wind up that you can't handle and I think</p> <p>13 she had difficulty doing that.</p> <p>14 Q. Do you remember when she transferred</p> <p>15 into the assessment office?</p> <p>16 A. I do not.</p> <p>17 Q. Do you remember the year?</p> <p>18 A. '21.</p> <p>19 Q. Okay.</p> <p>20 A. 2021.</p> <p>21 Q. So you think around '21, at least around</p> <p>22 the time she transferred into the assessment</p> <p>23 office, her errors and mistakes began?</p> <p>24 A. No. I think they were over in the</p> | <p>Page 208</p> <p>1 A. She wasn't in for a long period.</p> <p>2 Q. Whenever she transferred --</p> <p>3 A. Correct.</p> <p>4 Q. -- into the tax assessment --</p> <p>5 A. Yes. Okay.</p> <p>6 Q. -- office, you believe she had issues in</p> <p>7 the tax assessment office regarding her work</p> <p>8 performance?</p> <p>9 A. Yes.</p> <p>10 Q. Okay.</p> <p>11 Were those documented?</p> <p>12 A. That I don't know. I think a lot of</p> <p>13 them were just educational, those educational</p> <p>14 warnings that we had and then we offered -- they</p> <p>15 offered training for her and so they tried to work</p> <p>16 with her on that.</p> <p>17 Q. When -- what office was Ms. Warmkessel</p> <p>18 in when Whelan documented the verbal warning?</p> <p>19 A. Tax assessment.</p> <p>20 Q. Okay.</p> <p>21 So she was still in assessment?</p> <p>22 A. Yes.</p> <p>23 Q. Okay.</p> <p>24 And she's -- you said she transferred</p>                                                                      |



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| <p>Page 209</p> <p>1 offices. Where is she now?</p> <p>2 A. She's in the clerk of courts.</p> <p>3 Q. Okay.</p> <p>4 Has she had criticisms of her work</p> <p>5 performance in the clerk of courts?</p> <p>6 A. Not that I'm aware of.</p> <p>7 Q. And no disciplinary action since being</p> <p>8 in the clerk of courts?</p> <p>9 A. Not that I'm aware of.</p> <p>10 Q. Moving on to Mr. Hatter, Kent Hatter.</p> <p>11 Mr. Hatter, during his employment with the county,</p> <p>12 has he ever been subjected to any disciplinary</p> <p>13 action, verbal warning, a written warning,</p> <p>14 suspension, Loudermill Hearing, or attempted</p> <p>15 termination?</p> <p>16 A. No. He -- he did have an educational</p> <p>17 warning, I would say.</p> <p>18 Q. About what?</p> <p>19 A. That was the time when he went down to</p> <p>20 meet with Jane Doe 2 and Jane Doe 1 and -- and</p> <p>21 then they accused him of -- of some harassment.</p> <p>22 And when he was in my office, I chastised him that</p> <p>23 he should not have gone down by himself. That was</p> <p>24 silly to do, he should know better than that.</p> | <p>Page 211</p> <p>1 that when he opened up a letter that was on a desk</p> <p>2 that was addressed to Jane Doe 1. It was in</p> <p>3 county, but Kent had opened that and she felt</p> <p>4 that -- she had told Jane Doe 1 about -- Jane Doe</p> <p>5 1 about that and they worked it out, but she felt</p> <p>6 that he was retaliating against her. So that's</p> <p>7 what that current investigation is about.</p> <p>8 Q. Okay.</p> <p>9 A. It was a long answer, I get that.</p> <p>10 Q. No, it's okay.</p> <p>11 So other than that kind of complaint by</p> <p>12 Jane Doe 1 and Ms. Warmkessel and the kind of dual</p> <p>13 complaint by Jane Doe 2 and Jane Doe 1, are there</p> <p>14 any other instances you can think of where Mr.</p> <p>15 Hatter's work has been criticized?</p> <p>16 A. No.</p> <p>17 Q. Okay.</p> <p>18 And has he ever, Mr. Hatter, received an</p> <p>19 evaluation of any type, interim or annual?</p> <p>20 A. He has not.</p> <p>21 Q. And Mr. Anthony Alu, during his</p> <p>22 employment with the county, was he subject to</p> <p>23 any -- or his contract with the county, was he</p> <p>24 subject to any discipline, verbal, written,</p> |
| <p>Page 210</p> <p>1 Q. But he didn't -- this wasn't documented</p> <p>2 in any way, correct?</p> <p>3 A. No.</p> <p>4 Q. Other than that, has Mr. Hatter's work</p> <p>5 ever been criticized in any time during his</p> <p>6 employment with the county?</p> <p>7 A. Not by management. Of course, in that</p> <p>8 complaint he was.</p> <p>9 Q. Okay.</p> <p>10 Other than that?</p> <p>11 A. No.</p> <p>12 Q. And just so the record is clear, by</p> <p>13 complaint, you mean Jane Doe 2 and Jane Doe 1's</p> <p>14 complaint you just referenced?</p> <p>15 A. Correct.</p> <p>16 Q. Okay.</p> <p>17 So other than that complaint by Jane Doe</p> <p>18 2 and Jane Doe 1, he has received no criticism of</p> <p>19 his work performance?</p> <p>20 A. Well, again, that the complaint was</p> <p>21 against Mr. Matter, but by Ms. Warmkessel in terms</p> <p>22 of -- she felt his actions were retaliatory</p> <p>23 because of her work being overly criticized. And</p> <p>24 also I think I mentioned earlier this morning.</p>                                                                                                     | <p>Page 212</p> <p>1 suspension, Loudermill, attempted termination?</p> <p>2 A. No.</p> <p>3 Q. Was his work ever criticized in any way?</p> <p>4 A. His work, no.</p> <p>5 Q. And was he ever -- did he ever receive</p> <p>6 an evaluation of any type, annual or interim?</p> <p>7 A. No.</p> <p>8 Q. Okay.</p> <p>9 I'm going to move to another topic about</p> <p>10 Mr. Alu, just since we're talking about him.</p> <p>11 He was a contractor with the county,</p> <p>12 correct?</p> <p>13 A. That is correct.</p> <p>14 Q. What was the reason or purpose of the</p> <p>15 county contracting with Mr. Alu?</p> <p>16 A. Mr. Alu was brought in to help us,</p> <p>17 assist us in the reorganization of the tax</p> <p>18 assessment office, and as well as he initially</p> <p>19 was -- had the discussion on helping us maybe</p> <p>20 complete the STEB reports.</p> <p>21 Q. When did his contract begin?</p> <p>22 A. In, I think, March of 2021.</p> <p>23 Q. When did it end?</p> <p>24 A. Trying to think. We extended that, I</p>                                                                                                                                        |



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| <p style="text-align: right;">Page 213</p> <p>1 think it was, until the end of the year,</p> <p>2 December 31st. And we maybe extended that a</p> <p>3 little bit when we got into reassessment, so --</p> <p>4 It's terminated now.</p> <p>5 Q. Okay.</p> <p>6 So let's start with that. So it's</p> <p>7 terminated now. There was -- it sounded like</p> <p>8 based on your testimony, there was an initial</p> <p>9 contract, which was extended at least once?</p> <p>10 A. Yes.</p> <p>11 Q. Was it extended more than once?</p> <p>12 A. I think so, yes.</p> <p>13 Q. How many times?</p> <p>14 A. Just one -- two times.</p> <p>15 Q. Two times. Okay.</p> <p>16 And the first one -- am I understanding</p> <p>17 you correctly that the first contract was from</p> <p>18 March of 2021 until December 31st of 2021, and</p> <p>19 then extended or was there an extension between</p> <p>20 those two dates?</p> <p>21 A. I'm not sure.</p> <p>22 Q. Okay.</p> <p>23 Okay.</p> <p>24 Was there a written contract?</p>                                                                                                                                                      | <p style="text-align: right;">Page 215</p> <p>1 each year that they worked for the county, as far</p> <p>2 back as the -- it was the Pennsylvania?</p> <p>3 A. Historical Museum Commission.</p> <p>4 Q. Historical Museum Commission requires?</p> <p>5 A. Yes.</p> <p>6 Q. Okay.</p> <p>7 Has Jane Doe 1 -- had Jane Doe 1 and</p> <p>8 Jane Doe 2's compensations to what they've earned,</p> <p>9 decreased since May of 2020?</p> <p>10 MS. JONES: Object to the form of</p> <p>11 that question.</p> <p>12 You can answer if you can.</p> <p>13 BY MS. SMITH:</p> <p>14 Q. So let's start for what they earned in</p> <p>15 2019, versus 2020. We can start with Jane Doe 1.</p> <p>16 Did Jane Doe 1 earn less in 2020, less</p> <p>17 in earnings from the county? Obviously I'm not</p> <p>18 going to ask you about any other job she had.</p> <p>19 But for the county, did she earn less in</p> <p>20 2020 than she did in 2019?</p> <p>21 A. Yes.</p> <p>22 Q. Did Jane Doe 2 earn less in 2020 than</p> <p>23 she did in 2019?</p> <p>24 A. Yes.</p> |
| <p style="text-align: right;">Page 214</p> <p>1 A. Yes.</p> <p>2 Q. What was Mr. Alu's hourly rate?</p> <p>3 A. I think it was \$40 per hour.</p> <p>4 Q. The extensions, whether one, two, or</p> <p>5 more, were those written extensions?</p> <p>6 A. Yes.</p> <p>7 Q. Does the county maintain records of</p> <p>8 payroll compensation for employees?</p> <p>9 A. Yes.</p> <p>10 Q. How long are those records retained?</p> <p>11 A. Again, I think they would adhere to the</p> <p>12 retention policy of the Pennsylvania Historical</p> <p>13 Museum Commission at a minimum.</p> <p>14 Q. What do those records include? Like, is</p> <p>15 it W-2s, is it also, like, time sheets? Is it --</p> <p>16 what's in the payroll records that the county</p> <p>17 maintains for employees?</p> <p>18 A. Yes, certainly there would be the -- the</p> <p>19 W-2, W-4s that get produced. And our employees</p> <p>20 all submit time sheets, and they also would be</p> <p>21 part of that record.</p> <p>22 Q. So then based off your testimony, the</p> <p>23 county should have payroll compensation records,</p> <p>24 W-2s, W-4s, and time sheets for the plaintiffs for</p> | <p style="text-align: right;">Page 216</p> <p>1 Q. 2021 versus 2020, did Jane Doe 1 earn</p> <p>2 less?</p> <p>3 A. I wouldn't think so only because in 2020</p> <p>4 she was furloughed for a period of time?</p> <p>5 Q. Okay.</p> <p>6 But do you know?</p> <p>7 A. Do I know if she was furloughed?</p> <p>8 Q. No. Do you know if she earned less in</p> <p>9 2020 or --</p> <p>10 A. I don't specifically, no.</p> <p>11 Q. Do you know if Jane Doe 2 earned less in</p> <p>12 2020 or 2021?</p> <p>13 A. In '20 she would have earned less as</p> <p>14 well, she was furloughed as well.</p> <p>15 Q. But do you know that for sure?</p> <p>16 A. That she was furloughed?</p> <p>17 Q. No. That she earned less?</p> <p>18 A. Oh, yes. Yes. Yes, I know the</p> <p>19 compensation in '20 would have been less than '19.</p> <p>20 Q. So you know --</p> <p>21 A. I do not know in '21, but I would bet.</p> <p>22 Q. Okay.</p> <p>23 Well --</p> <p>24 A. I know.</p>                                                                                    |

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| <p>Page 217</p> <p>1 Q. I -- I, no offense, but I don't want<br/>2 bets here. I'd like factual information.<br/>3 A. Right.<br/>4 Q. But the county would maintain W-2s for<br/>5 those years, correct?<br/>6 A. That is correct.<br/>7 Q. And they would be the best evidence of<br/>8 what the individuals earned for those years,<br/>9 correct?<br/>10 A. Absolutely.<br/>11 Q. Same question for Jane Doe 2 -- I mean<br/>12 Jane Doe 1 -- I mean Jane Doe 3 and Jane Doe 4.<br/>13 They were suspended in -- no. They were suspended<br/>14 September 2021, correct? So fair to say that in<br/>15 2022, they earned less, significantly, by the<br/>16 entire salary less, in 2022 than they did in 2021?<br/>17 A. Correct.<br/>18 Q. And in 2023, they have earned nothing,<br/>19 correct, Jane Doe 3 --<br/>20 A. That's correct.<br/>21 Q. -- and Jane Doe 4?<br/>22 So 20 -- so 2023, they earned nothing.<br/>23 2022 they earned nothing, correct?<br/>24 A. Correct.</p> | <p>Page 219</p> <p>1 in pay or suspensions occurred in 2020, correct?<br/>2 A. Correct.<br/>3 Q. Okay. All right.<br/>4 Since 2012, has the county resolved any<br/>5 claims made against any -- either -- either<br/>6 against the county or any county employee or<br/>7 elected official arising out of employment-related<br/>8 issues?<br/>9 A. Okay. Go through that again for me.<br/>10 Q. Sure.<br/>11 Since 2012, has the county resolved any<br/>12 claims made against it or its employees or elected<br/>13 officials, arising out of employment-related<br/>14 issues?<br/>15 And let me clarify claims. I am not<br/>16 asking for grievances, like union grievance. I am<br/>17 asking about EEOC claims, federal complaints,<br/>18 state complaints, like state civil complaints,<br/>19 federal complaints, civil complaints?<br/>20 A. No.<br/>21 Q. Okay.<br/>22 A. Not that I'm aware of.<br/>23 Q. There are claims against the county<br/>24 currently regarding overtime issues, correct?</p> |
| <p>Page 218</p> <p>1 Q. 2021 they had -- were paid -- on -- on<br/>2 unpaid suspension beginning in September of 2021,<br/>3 correct?<br/>4 A. Correct.<br/>5 Q. So they would definitely have earned<br/>6 less in 2021 than 2020, correct?<br/>7 A. Yes.<br/>8 Q. Okay.<br/>9 And they were also -- their salaries<br/>10 were reduced in March of 2021, correct?<br/>11 A. That is correct.<br/>12 Q. So they also would have earned less in<br/>13 that sense, correct?<br/>14 A. Yes.<br/>15 Q. Okay.<br/>16 Do you know from Jane Doe 3 and Jane Doe<br/>17 4, did they earn any less in 2021 than 2020 --<br/>18 2020 than 2019?<br/>19 A. No, they would not.<br/>20 Q. Okay.<br/>21 Because they were salaried --<br/>22 A. Correct.<br/>23 Q. -- no matter how many hours they worked<br/>24 and nothing -- no demotions in pay -- reductions</p>                                                                                                                              | <p>Page 220</p> <p>1 A. That is correct.<br/>2 Q. It's still pending though, correct?<br/>3 A. Yes.<br/>4 MS. SMITH: Okay. I am going to<br/>5 mark for today's purposes --<br/>6 THE WITNESS: Could I just add<br/>7 something?<br/>8 BY MS. SMITH:<br/>9 Q. Sure.<br/>10 A. When you talk about compensation for<br/>11 Jane Doe 1 and Jane Doe 2, their hourly rate<br/>12 didn't change. In other words, if they had less<br/>13 pay it would be because they worked less hours.<br/>14 They were hourly employees, not --<br/>15 Q. Okay. Yeah. No. No. No. I<br/>16 appreciate that.<br/>17 A. Okay.<br/>18 Q. That's a fair distinction. Thank you.<br/>19 MS. SMITH: I am going to mark for<br/>20 today's purposes Exhibit-328. It is Doe<br/>21 Supplement 46 through 49.<br/>22 - - -<br/>23 (Doe 46-49 marked as Exhibit-328 for<br/>24 identification.)</p>                                                                                                                                               |

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| <p style="text-align: right;">Page 221</p> <p>1 - - -</p> <p>2 BY MS. SMITH:</p> <p>3 Q. The county has contracted with Eckert</p> <p>4 Seamans, correct?</p> <p>5 A. Yes.</p> <p>6 Q. And how many time has the county</p> <p>7 contracted -- contracted with Eckert Seamans since</p> <p>8 2012?</p> <p>9 MS. JONES: I am just going to</p> <p>10 object to the form of question.</p> <p>11 But you can answer it.</p> <p>12 THE WITNESS: I think we have a</p> <p>13 standing contract with them for an hourly rate.</p> <p>14 And that hourly rate can change from year to year.</p> <p>15 BY MS. SMITH:</p> <p>16 Q. Okay.</p> <p>17 So other than more recently, like let's</p> <p>18 since 20 -- let's say since 2020, did the county</p> <p>19 ever contract with Eckert Seamans previous to</p> <p>20 that?</p> <p>21 A. Yes.</p> <p>22 Q. Okay.</p> <p>23 Are there any issues related to the</p> <p>24 plaintiffs claims prior to May of 2020?</p>                                                                                                                                                                                                   | <p style="text-align: right;">Page 223</p> <p>1 Seamans, what was the reason or purpose of the</p> <p>2 county contract with Eckert Seamans, whenever they</p> <p>3 originally entered into a contract, again,</p> <p>4 regarding the plaintiffs' claims?</p> <p>5 MS. JONES: I'm sorry. Can you</p> <p>6 just repeat that?</p> <p>7 BY MS. SMITH:</p> <p>8 Q. So when -- I'm asking questions about</p> <p>9 the contract with Eckert Seamans only as it</p> <p>10 relates to the plaintiffs' claims, not any other</p> <p>11 contracts with the county with Eckert Seamans for</p> <p>12 other things. What was the reason or purpose</p> <p>13 behind the county entering into that contract?</p> <p>14 MS. JONES: Object to the form and</p> <p>15 object to the extent it includes communications</p> <p>16 with them.</p> <p>17 But I think you can answer that</p> <p>18 question.</p> <p>19 THE WITNESS: Well, we contract</p> <p>20 with them to review Ms. Zula's investigation in</p> <p>21 the LexisNexis case.</p> <p>22 BY MS. SMITH</p> <p>23 Q. Do you know when that contract began?</p> <p>24 MS. JONES: Can I just -- I am</p>                                                                                    |
| <p style="text-align: right;">Page 222</p> <p>1 A. No.</p> <p>2 Q. Okay.</p> <p>3 Since May of 2020, the county -- as I</p> <p>4 understand your testimony, correct me if I am</p> <p>5 wrong, the county has entered into one standing</p> <p>6 contract with Eckert Seamans for an hourly rate</p> <p>7 for work conducted?</p> <p>8 MS. JONES: Object to the form.</p> <p>9 You can answer.</p> <p>10 BY MS. SMITH:</p> <p>11 Q. Meaning, I'm just trying to figure out,</p> <p>12 is there -- was there one contract and it ended</p> <p>13 and then they entered into another one or has it</p> <p>14 been one --</p> <p>15 A. I think we have an open-ended contract</p> <p>16 with Eckert Seamans. Some of the law firms we do</p> <p>17 and we just -- we do a contract with them for</p> <p>18 either labor things and we just extend that</p> <p>19 contract out, the rate changes maybe from year to</p> <p>20 year based on -- they will send us something in</p> <p>21 January that their rates have changed.</p> <p>22 Q. Okay.</p> <p>23 As it relates to the plaintiffs' claims</p> <p>24 and your -- and the county's contract with Eckert</p> | <p style="text-align: right;">Page 224</p> <p>1 going to object to the form. I think the word</p> <p>2 contract is misleading and I think he's -- I just</p> <p>3 don't want -- I don't want there to be</p> <p>4 misunderstanding. You know what I mean? Just</p> <p>5 from a standpoint of a lawyer, it's not like</p> <p>6 every -- like I will make a contract to do this</p> <p>7 particular investigation, it's not a contract,</p> <p>8 it's like you retain a firm and then you hire them</p> <p>9 every once in a while.</p> <p>10 BY MS. SMITH:</p> <p>11 Q. Was there a written contract with Eckert</p> <p>12 Seamans?</p> <p>13 A. A separate one, no.</p> <p>14 Q. What do you mean a separate one?</p> <p>15 A. In other words, there's a contract out</p> <p>16 there, we have an agreement with Eckert Seamans</p> <p>17 and probably at the -- not probably, at the time</p> <p>18 we said we have this issue coming up, could you</p> <p>19 handle this. So there was no separate contracts</p> <p>20 there. We have a contract with Eckert Seamans to</p> <p>21 do this investigation. It's not that where we</p> <p>22 give them some work, they assign us, and we get a</p> <p>23 rate.</p> <p>24 Q. Okay.</p> |

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| <p>Page 225</p> <p>1 So is there -- is the county's, I don't</p> <p>2 know the right word to say, contract with Eckert</p> <p>3 Seamans, is it for a period of time and then</p> <p>4 throughout that -- for that period of time, the</p> <p>5 rate remains the same and you assign or provide</p> <p>6 them work to -- to receive advice, legal advice</p> <p>7 on?</p> <p>8 A. No. I think mostly it's an open-ended</p> <p>9 contract. Put of them we put in for, let's say, a</p> <p>10 start date, but not a stop date. And --</p> <p>11 Q. Okay.</p> <p>12 A. -- the compensation then would change</p> <p>13 perhaps yearly. If their -- if the cost lowers,</p> <p>14 costs go up. We do that with engineering</p> <p>15 contracts sometimes as well.</p> <p>16 Q. Okay.</p> <p>17 When the services of Eckert Seamans were</p> <p>18 engaged as it relates -- when you engaged the</p> <p>19 services of Eckert Seamans as it relates to the</p> <p>20 plaintiffs' claims, what was the reason or purpose</p> <p>21 for that?</p> <p>22 A. To review Heidi's investigation.</p> <p>23 Q. Okay.</p> <p>24 And the services of Eckert Seamans,</p> | <p>Page 227</p> <p>1 the form of question. I think it calls for</p> <p>2 information that's privileged. I don't know how</p> <p>3 there individual -- I think as an individual he</p> <p>4 can answer what he knows. I am not sure that</p> <p>5 question can be answered for the county as a 30B6</p> <p>6 because the entity doesn't rely, a person relies.</p> <p>7 So I think it's an improper question for the 30B6.</p> <p>8 MS. SMITH: I disagree. But he can</p> <p>9 answer it -- are you allowing him to answer?</p> <p>10 MS. JONES: I don't think he can</p> <p>11 answer that question. I don't think a</p> <p>12 representative for an entity can answer about an</p> <p>13 entity's decision when the decision has to be by</p> <p>14 individuals.</p> <p>15 MS. SMITH: Right. But the</p> <p>16 individuals are employees or elected officials of</p> <p>17 the entity. And the entity under 30B6, to what</p> <p>18 acknowledge they have or should have regarding</p> <p>19 what actions their employees took. So if their</p> <p>20 employees or elected officials, the county's,</p> <p>21 relied on information provided, the county should</p> <p>22 have knowledge of that.</p> <p>23 30(b)(6) witnesses to have prepared</p> <p>24 for a deposition of the 30(b)(6) deposition, in</p> |
| <p>Page 226</p> <p>1 again, were requested or retained for -- as it</p> <p>2 relates to the plaintiffs' claim -- plaintiffs'</p> <p>3 claims on a later date, correct?</p> <p>4 A. That is correct.</p> <p>5 Q. Okay.</p> <p>6 What was the purpose or reason for that?</p> <p>7 A. To conduct an independent investigation.</p> <p>8 Q. Okay.</p> <p>9 And there is no written documentation</p> <p>10 about what services they are to provide as it</p> <p>11 relates to that second engagement of their</p> <p>12 services?</p> <p>13 A. No. They did -- on the first one they</p> <p>14 did a review of Heidi's investigation and then</p> <p>15 they just send us a bill with -- you know, as</p> <p>16 lawyers do, the time we were here, the time we</p> <p>17 spent on it, and here's the hourly rate.</p> <p>18 Q. Okay.</p> <p>19 A. And we pay that bill.</p> <p>20 Q. The first work they did for that bill</p> <p>21 that you received, did the county rely on that</p> <p>22 report in making any employment-related decisions</p> <p>23 regarding any of the plaintiffs?</p> <p>24 MS. JONES: I am going to object to</p>                  | <p>Page 228</p> <p>1 speaking with fact witness individuals so that it</p> <p>2 can either bind or not bind the county with a --</p> <p>3 or bind the county to a particular answer. So I</p> <p>4 think -- let me ask a question up to -- leading up</p> <p>5 to that question. I will strike that question and</p> <p>6 ask another one.</p> <p>7 BY MS. SMITH:</p> <p>8 Q. Sir, did you speak -- in preparation of</p> <p>9 today's deposition, did you speak with anyone who</p> <p>10 reviewed, first, Eckert Seamans' report to the</p> <p>11 county and who made decisions related to the</p> <p>12 plaintiffs regarding that report?</p> <p>13 A. For today, no.</p> <p>14 Q. Same question for the second report.</p> <p>15 There was a second record by Eckert Seamans,</p> <p>16 correct? Or, I'm sorry. I this you said earlier</p> <p>17 there was not?</p> <p>18 A. Correct.</p> <p>19 Q. Okay.</p> <p>20 So then it's just the first report.</p> <p>21 MS. SMITH: So I am going to say</p> <p>22 that he's not the proper witness or he's an</p> <p>23 ill-prepared witness --</p> <p>24 MS. JONES: We'll have to -- go</p>                                                                                                                                                                     |



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| <p>1 ahead. You can finish.</p> <p>2 MS. SMITH: This will have to be</p> <p>3 addressed with a judge, because I do believe that</p> <p>4 he -- in that there is limited individuals who</p> <p>5 were involved in the decisions, he could have</p> <p>6 spoken with to them to be able to bind the company</p> <p>7 as to what was relied upon and what was not relied</p> <p>8 upon.</p> <p>9 So I'm going to ask the question to</p> <p>10 make my record. If the answer is I don't know,</p> <p>11 it's I don't know.</p> <p>12 BY MS. SMITH:</p> <p>13 Q. But did the county rely on the</p> <p>14 reports -- on the report of Eckert Seamans in</p> <p>15 making any employment-related decisions regarding</p> <p>16 any of the plaintiffs?</p> <p>17 MS. JONES: I am going to object to</p> <p>18 the form of the question. I am also going to</p> <p>19 object to the extent his answer would call for</p> <p>20 communications with counsel.</p> <p>21 MS. SMITH: Are you --</p> <p>22 MS. JONES: However, this witness</p> <p>23 may be one of the people, so -- who was involved</p> <p>24 in the process and he's already testified as an</p>                         | <p>Page 229</p> <p>1 through that.</p> <p>2 Other than the bill for the first Eckert</p> <p>3 Seamans' report, has the county received a second</p> <p>4 and subsequent bill from Lexis -- from Eckert</p> <p>5 Seamans?</p> <p>6 A. I'm not aware of any.</p> <p>7 Q. How much was the first bill for?</p> <p>8 A. I don't have that information.</p> <p>9 Q. When was that received?</p> <p>10 A. I would say sometime in '21.</p> <p>11 Q. Let me come back to one question on that</p> <p>12 topic, but I'm going to move on.</p> <p>13 The county contracted with a Joan R.</p> <p>14 Price, esquire, correct?</p> <p>15 A. We do have a contract with her, yes.</p> <p>16 Q. Okay.</p> <p>17 Is hers a written contract in the</p> <p>18 traditional sense or is hers similar to Eckert</p> <p>19 Seamans?</p> <p>20 A. You know, I'm not aware of that. I</p> <p>21 would think it would be a separate contract, but I</p> <p>22 don't know that.</p> <p>23 Q. Is that -- do you know if the contract,</p> <p>24 whether it's a traditional contract or the type</p> |
| <p>Page 230</p> <p>1 individual about that process. So this was one of</p> <p>2 the issues that I raised in preserving my</p> <p>3 objections on how certain topics weren't proffered</p> <p>4 with a 30(b)(6) deposition. And I don't think</p> <p>5 that question can be answered by him on behalf of</p> <p>6 the county. I think it has to be answered as you</p> <p>7 have asked, frankly, the persons who had to make</p> <p>8 that decision.</p> <p>9 MS. SMITH: We disagree on that.</p> <p>10 But as it relates to your objection regarding</p> <p>11 advice of -- communications, I think, with counsel</p> <p>12 is how you phrased it, are you waiving the advice</p> <p>13 of counsel defense?</p> <p>14 MS. JONES: We have never relied</p> <p>15 upon an advice of counsel defense.</p> <p>16 MS. SMITH: Okay. I just want</p> <p>17 to -- I want -- would like to my record.</p> <p>18 Are you waiving the advice of</p> <p>19 counsel defense?</p> <p>20 MS. JONES: I am not waiving</p> <p>21 anything. I am not asserting the counsel -- the</p> <p>22 advice of counsel device.</p> <p>23 BY MS. SMITH:</p> <p>24 Q. Sir, what was the -- I think we went</p> | <p>Page 232</p> <p>1 like Eckert Seamans, is it open ended or was it</p> <p>2 finite time?</p> <p>3 A. That was open ended.</p> <p>4 Q. Okay.</p> <p>5 Is it still open ended?</p> <p>6 A. Yes.</p> <p>7 Q. Okay.</p> <p>8 And what was the reason or purpose of</p> <p>9 the county contracting -- contracting with</p> <p>10 Attorney Price?</p> <p>11 A. To provide consultation on the</p> <p>12 litigation concerning reassessment.</p> <p>13 Q. And when was -- when did her contract</p> <p>14 begin as it relates to the reassessment of</p> <p>15 negotiation?</p> <p>16 A. I don't have that information.</p> <p>17 Q. Okay.</p> <p>18 What services did she provide to the</p> <p>19 county?</p> <p>20 A. Advice and counsel and handling the</p> <p>21 lawsuit.</p> <p>22 Q. So other than the litigation on</p> <p>23 reassessment, she provided no other services</p> <p>24 related to the tax assessment office?</p>                                                                                                                                         |



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| <p style="text-align: right;">Page 233</p> <p>1 A. Not that I'm aware of.</p> <p>2 Q. The county has a contract, a traditional</p> <p>3 contract with LexisNexis, correct?</p> <p>4 A. We have several agreements, yes.</p> <p>5 Q. Okay.</p> <p>6 Is there an individual contract for each</p> <p>7 office who has access to LexisNexis?</p> <p>8 A. Correct.</p> <p>9 Q. Okay.</p> <p>10 And that's what you mean you have</p> <p>11 several --</p> <p>12 A. Yes.</p> <p>13 Q. -- contracts?</p> <p>14 A. Yes. Yes. I'm sorry. Yes.</p> <p>15 Q. The several contracts is a contract for</p> <p>16 each office that has use of it?</p> <p>17 A. Yes.</p> <p>18 Q. Okay.</p> <p>19 What are those offices?</p> <p>20 A. Law library, adult probation, the</p> <p>21 district attorney, domestic relations, and tax</p> <p>22 claim.</p> <p>23 Q. Those contracts, who -- let -- let me</p> <p>24 strike that. Do the heads of any of those</p>                                                                                                                            | <p style="text-align: right;">Page 235</p> <p>1 MS. JONES: Who -- who -- who is</p> <p>2 they, when you say --</p> <p>3 MS. SMITH: The law -- I'm sorry.</p> <p>4 I was speaking of the law library.</p> <p>5 BY MS. SMITH:</p> <p>6 Q. So for -- can one department who has a</p> <p>7 LexisNexis contract access another department's</p> <p>8 LexisNexis contract on that Smart Term system?</p> <p>9 A. Yes. Departments heads generally have</p> <p>10 access to what we call accounting, where the</p> <p>11 contracts are kept and they can enter the name of</p> <p>12 the contract or the number of the contract and</p> <p>13 look at that.</p> <p>14 Q. Okay.</p> <p>15 So other than on the Smart Term system</p> <p>16 and it being available, is one provided by the</p> <p>17 county directly to a department head?</p> <p>18 MS. JONES: Object to the form.</p> <p>19 But you can answer.</p> <p>20 THE WITNESS: Well, they contract</p> <p>21 with them. They get it approved by the board, but</p> <p>22 the contract goes to them. There's a contract --</p> <p>23 a copy of that contract with the commissioners,</p> <p>24 with the controller, with the office, and with the</p> |
| <p style="text-align: right;">Page 234</p> <p>1 departments that you just named, do the heads of</p> <p>2 those departments receive a copy of the county's</p> <p>3 contract with LexisNexis for their office?</p> <p>4 A. I would think so, yes.</p> <p>5 Q. So today, unfortunately, is not about</p> <p>6 thinking so. I am trying to determine facts and</p> <p>7 what you do or do not know.</p> <p>8 Do you know, do you have knowledge that</p> <p>9 the off -- any of those offices received a copy of</p> <p>10 the contract?</p> <p>11 A. Yes.</p> <p>12 Q. Okay.</p> <p>13 A. There are contracts in the system.</p> <p>14 Q. What do you mean the system?</p> <p>15 A. In our -- in our contract system on</p> <p>16 Smart Term.</p> <p>17 Q. And so, for instance, the law library,</p> <p>18 can they access the Smart Term --</p> <p>19 A. Yes.</p> <p>20 Q. -- contract?</p> <p>21 A. Yes.</p> <p>22 Q. And they can access -- can they access,</p> <p>23 for instance, any contract, so like the LexisNexis</p> <p>24 contract for a adult probation?</p> | <p style="text-align: right;">Page 236</p> <p>1 vendor.</p> <p>2 Q. So who signs the LexisNexis contract on</p> <p>3 behalf of the county?</p> <p>4 A. The county commissioners.</p> <p>5 Q. Okay.</p> <p>6 The department heads don't sign them?</p> <p>7 A. No.</p> <p>8 Q. Okay.</p> <p>9 So when, if at all, does the department</p> <p>10 head receive a copy of that, if they actually</p> <p>11 receive one, not if they just have one available</p> <p>12 to view?</p> <p>13 So, for instance, county policies are</p> <p>14 also on the county's website, correct?</p> <p>15 A. Uh-huh.</p> <p>16 Q. Is that a yes?</p> <p>17 A. Yes.</p> <p>18 Q. And employees can access them at their</p> <p>19 leisure if they want to look one up, that they</p> <p>20 don't -- that they no longer have in their</p> <p>21 possession, correct?</p> <p>22 A. Correct.</p> <p>23 Q. But they also receive a physical copy,</p> <p>24 whether it be at their hiring, at the trainings,</p>                                                                                                                                                                                                               |

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| <p>Page 237</p> <p>1 if one is newly issued, they receive by e-mail or</p> <p>2 in a paper, a copy of that, correct?</p> <p>3 A. Yes.</p> <p>4 Q. Okay.</p> <p>5 So that's what I am trying to figure</p> <p>6 out. Is it just that smart term has these</p> <p>7 contracts available for the department heads to</p> <p>8 view at their leisure or do they actually -- does</p> <p>9 the county or someone -- does someone on behalf of</p> <p>10 the county actually go to the department head and</p> <p>11 say, we've entered into this contract, here's the</p> <p>12 contract?</p> <p>13 A. No. That's not quite how it works.</p> <p>14 Q. Okay.</p> <p>15 A. So if I am the department head and I</p> <p>16 wanted to have a contract with LexisNexis, I reach</p> <p>17 out to them and I say, here is what I want to do.</p> <p>18 They send terms -- we send our terms and</p> <p>19 conditions. They sign the contract, we send it</p> <p>20 back. We make four copies of that contract. I,</p> <p>21 as the department head, make a copy of that</p> <p>22 contract.</p> <p>23 So I take -- I take one down to the</p> <p>24 commissioners office to go on the agenda. I take</p> | <p>Page 239</p> <p>1 not yet. They go down to the chief clerks office,</p> <p>2 they get put on the -- if they get approved, the</p> <p>3 chief clerk stamps them, she sends one -- two</p> <p>4 copies up to the -- to the tax claim, in this</p> <p>5 case, and tax claim would send one to LexisNexis.</p> <p>6 We would send one to the controllers office and we</p> <p>7 keep one in our file.</p> <p>8 Q. So you're saying there's a LexisNexis</p> <p>9 contract that is stamped by the chief clerk?</p> <p>10 A. The names of the commissioners are</p> <p>11 stamped on by the chief clerk after the</p> <p>12 commissioners approval at a -- a board meeting.</p> <p>13 Q. Okay.</p> <p>14 And the chief clerk would have sent the</p> <p>15 contract to Jane Doe 3?</p> <p>16 MS. JONES: That's not what he</p> <p>17 said.</p> <p>18 BY MS. SMITH:</p> <p>19 Q. I thought you said the stamped copy</p> <p>20 was -- it was stamped by the chief clerk and then</p> <p>21 the chief clerk provided a copy to Jane Doe 3,</p> <p>22 who -- or two copies maybe, and one -- tax claim</p> <p>23 would send it to LexisNexis, correct?</p> <p>24 A. Correct.</p> |
| <p>Page 238</p> <p>1 one to the controllers office for them to store.</p> <p>2 I send one -- well, after it's signed, I will take</p> <p>3 it back to the vendor, and I keep one in my</p> <p>4 department.</p> <p>5 Q. Okay.</p> <p>6 So for the tax claim office</p> <p>7 specifically, was Jane Doe 3 -- was the LexisNexis</p> <p>8 contract entered into while Jane Doe 3 was the</p> <p>9 department head, before or after?</p> <p>10 A. While she was the department head, yes.</p> <p>11 Q. Okay.</p> <p>12 Was she provided a copy of the county's</p> <p>13 contract with LexisNexis?</p> <p>14 A. Yes, because she would have put it</p> <p>15 together.</p> <p>16 Q. Who provided it to her, once it was</p> <p>17 signed and entered into?</p> <p>18 A. Well, the commissioners' office.</p> <p>19 Q. Who at the commissioners' office gave</p> <p>20 Ms. Copy a -- gave Jane Doe 3 a copy of the</p> <p>21 contract, the county's contract with LexisNexis?</p> <p>22 A. As I said, she would prepare four</p> <p>23 contracts. She would take it down -- LexisNexis</p> <p>24 would have them sign, the commissioners that have</p>                                             | <p>Page 240</p> <p>1 Q. Okay.</p> <p>2 So the chief clerk provided the stamped</p> <p>3 copy to Jane Doe 3?</p> <p>4 A. I get you. Okay. I understand. I</p> <p>5 think we're talking about the same thing, Ms.</p> <p>6 Smith. It's just we're going about it different</p> <p>7 ways.</p> <p>8 All contracts are initiated by the</p> <p>9 department. They bring them down. When they are</p> <p>10 approved by the agenda, they get stamped with the</p> <p>11 commissioner's seal. Once they're approved by the</p> <p>12 commissioners and then we send copies back to the</p> <p>13 department, the controllers office, and we keep</p> <p>14 for our -- the commissioners file.</p> <p>15 Q. So it's your testimony that Jane Doe 3,</p> <p>16 on behalf of the county's tax claim bureau,</p> <p>17 initiated the LexisNexis contract?</p> <p>18 A. Yes.</p> <p>19 Q. And that then it was submitted for</p> <p>20 approval by the commissioners?</p> <p>21 A. Yes.</p> <p>22 Q. And that then a stamped copy, which was</p> <p>23 approved by the commissioners, was returned to</p> <p>24 Jane Doe 3 by the chief clerk?</p>                                    |

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| <p style="text-align: right;">Page 241</p> <p>1 A. Yes.</p> <p>2 Q. Does the county have any written policy</p> <p>3 or written procedure regarding the training of</p> <p>4 employees in the use of LexisNexis?</p> <p>5 A. The county has no policy, no.</p> <p>6 Q. So written or otherwise?</p> <p>7 A. No.</p> <p>8 Q. Does the county provided any training</p> <p>9 related to the use of LexisNexis for those</p> <p>10 employees who have access to LexisNexis accounts</p> <p>11 through a county contract with LexisNexis?</p> <p>12 A. The county does not.</p> <p>13 Q. Does the county secure any outside</p> <p>14 entity, including but not limited to LexisNexis,</p> <p>15 to provide training to employees, county</p> <p>16 employees, who have access to LexisNexis accounts</p> <p>17 through a county contract with LexisNexis?</p> <p>18 A. Yes. LexisNexis does provide that</p> <p>19 training.</p> <p>20 Q. Did Jane Doe 3 receive that training?</p> <p>21 A. You sort of have to take that training</p> <p>22 when you first sign up.</p> <p>23 Q. Did Jane Doe 3 receive that training?</p> <p>24 A. That I don't know.</p>                                | <p style="text-align: right;">Page 243</p> <p>1 MS. SMITH: We're just going to</p> <p>2 take a five-minute break.</p> <p>3 VIDEOGRAPHER: The time is now</p> <p>4 2:12 p.m. and we are going off the record.</p> <p>5 - - -</p> <p>6 (Whereupon, brief recess was held off</p> <p>7 the record.)</p> <p>8 - - -</p> <p>9 VIDEOGRAPHER: The time is</p> <p>10 2:19 p.m. and we are back on the record.</p> <p>11 BY MS. SMITH:</p> <p>12 Q. All right.</p> <p>13 Mr. Bender, I think you have 328 in</p> <p>14 front of you; is that correct?</p> <p>15 A. Yes.</p> <p>16 MS. SMITH: Okay. Matt, can you</p> <p>17 put 328 up on the screen. Thank you.</p> <p>18 BY MS. SMITH:</p> <p>19 Q. This is the county's social media policy</p> <p>20 as implemented in January of 2016, correct?</p> <p>21 A. That is correct.</p> <p>22 Q. Has this -- has the county made any</p> <p>23 revisions to this policy since it was implemented?</p> <p>24 A. Not that I am aware of, no.</p>                                                                                                                                                                                                  |
| <p style="text-align: right;">Page 242</p> <p>1 Q. Did Jane Doe 4 receive that training?</p> <p>2 A. I don't know that.</p> <p>3 Q. Do you know what that training entails?</p> <p>4 A. Yes. How to log on and how to utilize</p> <p>5 the system.</p> <p>6 Q. Does the county provide any training to</p> <p>7 its employees related to the legally permissible</p> <p>8 uses of LexisNexis, to its employees who have</p> <p>9 access to LexisNexis accounts through the county's</p> <p>10 contract with LexisNexis?</p> <p>11 A. The county did not provide that</p> <p>12 training, no.</p> <p>13 Q. Does the county secure any outside</p> <p>14 entity, including but not limited to LexisNexis,</p> <p>15 to provide training to its employees who have</p> <p>16 access to LexisNexis accounts through the county's</p> <p>17 contracts with LexisNexis regarding the legally</p> <p>18 permissible uses of LexisNexis?</p> <p>19 A. That is provided by LexisNexis.</p> <p>20 Q. Is that during that same training?</p> <p>21 A. Yes.</p> <p>22 Q. And you don't know if Jane Doe 3 or Jane</p> <p>23 Doe 4 received that, correct?</p> <p>24 A. I don't know exactly, no.</p> | <p style="text-align: right;">Page 244</p> <p>1 Q. Does this policy apply to elected</p> <p>2 officials?</p> <p>3 A. To some. And I'll qualify that</p> <p>4 statement, when this policy was introduced, the</p> <p>5 president judge refused to accept it. And so</p> <p>6 anybody falling under the -- the court system</p> <p>7 would not be obligated into this policy.</p> <p>8 Q. Okay.</p> <p>9 A. I know -- if you're looking at the</p> <p>10 signatures, but the judge really can weigh in on</p> <p>11 what we do. Any time a policy is implemented, we</p> <p>12 send it up to president judge for his review. It</p> <p>13 was odd in this case that he had issues with this</p> <p>14 policy based on first amendments, the individual</p> <p>15 court members -- court employees under him would</p> <p>16 not be effected by this policy.</p> <p>17 Q. Okay.</p> <p>18 But courthouse, not court, but</p> <p>19 courthouse elected officials, for instance, the</p> <p>20 treasurer is an elected official, correct?</p> <p>21 A. Correct.</p> <p>22 Q. Would this apply to them?</p> <p>23 A. We would expect it to, yes.</p> <p>24 Q. We, the county, correct?</p> |

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| <p>Page 245</p> <p>1 A. The county would.</p> <p>2 Q. Okay.</p> <p>3 Does it apply to commissioners?</p> <p>4 A. I would think so, yes.</p> <p>5 Q. Okay.</p> <p>6 And does it apply to -- so any elected</p> <p>7 official of the courthouse, that's not the court</p> <p>8 --</p> <p>9 A. Correct.</p> <p>10 Q. -- it would apply to?</p> <p>11 A. Yes.</p> <p>12 Q. Okay.</p> <p>13 How does the county enforce this policy</p> <p>14 if it's violated by an elected official?</p> <p>15 A. That's a good question. And I don't</p> <p>16 know that we have disciplined anybody under this</p> <p>17 policy because of these first amendments rights.</p> <p>18 But, clearly, I think my guidance to employees</p> <p>19 that I deal with saying you needed to be careful</p> <p>20 what you do on social media. Can it -- it can and</p> <p>21 may be used against you at some point. I don't</p> <p>22 know that we ever have.</p> <p>23 Q. Okay.</p> <p>24 If we look to the second page, it -- it</p>                                      | <p>Page 247</p> <p>1 to -- per this sentence, are supposed to construe</p> <p>2 this policy or -- I'm sorry -- social network as</p> <p>3 broadly and reasonably as possible within its</p> <p>4 discretion?</p> <p>5 A. Correct. And I would think the</p> <p>6 departments they are referring to here would be</p> <p>7 the departments under the -- an elected official,</p> <p>8 like the treasurer's department things like --</p> <p>9 because they have the right to hire, fire, and</p> <p>10 discipline.</p> <p>11 Q. Okay.</p> <p>12 So they have sole discretion because</p> <p>13 they have those 1620 rights?</p> <p>14 A. Correct.</p> <p>15 Q. Whereas a department head of a non-elect</p> <p>16 official, it would be the county's sole</p> <p>17 discretion?</p> <p>18 A. That would be correct.</p> <p>19 Q. Okay. Understood.</p> <p>20 Going back to that other sentence about</p> <p>21 the blogs, the networking sites, all those things,</p> <p>22 does that include radio shows?</p> <p>23 MS. JONES: Does what include radio</p> <p>24 shows?</p> |
| <p>Page 246</p> <p>1 tells us the definition of social -- of social</p> <p>2 networking.</p> <p>3 Do you see that?</p> <p>4 A. Yes.</p> <p>5 Q. So about midway through that paragraph,</p> <p>6 it says examples of these -- of the types of</p> <p>7 Internet-based social networking sites include</p> <p>8 blogs, networking sites, photo sharing, video</p> <p>9 sharing, micro-blogging, podcasts, as well as</p> <p>10 comments posted on these sites.</p> <p>11 Do you see that?</p> <p>12 A. Uh-huh. Yes.</p> <p>13 Q. And then the final sentence of this</p> <p>14 paragraph states: The definition of social</p> <p>15 networking will be construed by the county and the</p> <p>16 department as broadly as reasonably possible</p> <p>17 within its sole discretion.</p> <p>18 What is the department in that last</p> <p>19 sentence mean?</p> <p>20 A. I would think the department head.</p> <p>21 Q. Okay.</p> <p>22 A. How he or she would interpret it.</p> <p>23 Q. Okay.</p> <p>24 So the department heads are supposed</p> | <p>Page 248</p> <p>1 BY MS. SMITH:</p> <p>2 Q. That prior sentence, the blogs, the</p> <p>3 networking sites, the examples of Internet-based</p> <p>4 social networking sites?</p> <p>5 A. That's a good question. It's a media</p> <p>6 outlet. I'm not sure that's what this was meant</p> <p>7 to address, but...</p> <p>8 Q. Well, in that, those are examples and</p> <p>9 that sentence -- that last sentence we looked at</p> <p>10 says, it should be construed as broadly and</p> <p>11 reasonably as possible.</p> <p>12 Does the county believe that this policy</p> <p>13 relates to statements of employees made on radio</p> <p>14 shows or radio broadcasts I guess I should call</p> <p>15 them?</p> <p>16 A. I do --</p> <p>17 MS. JONES: Object to the form.</p> <p>18 But you can -- you can answer.</p> <p>19 BY MS. SMITH:</p> <p>20 Q. Well, you today, you're county</p> <p>21 administrator, Mr. Bender, for the county. But</p> <p>22 you here today, as well, you also the county, you</p> <p>23 are not Mr. Bender.</p> <p>24 A. Yes.</p>        |



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| <p>Page 249</p> <p>1 Q. So does the county, and I think your<br/>2 answer was I do?</p> <p>3 A. I do. And I think the commissioners<br/>4 would agree with me, it's that the radio does<br/>5 count. You shouldn't get on the radio. It's<br/>6 another social outlet and you have to be careful<br/>7 what you say.</p> <p>8 Q. Okay. All right. You can put that<br/>9 aside.</p> <p>10 MS. SMITH: Matt, I think Alyssa<br/>11 named it outside employment policy and I will mark<br/>12 it for today's purposes as 329.</p> <p>13 - - -</p> <p>14 (Policy marked as Exhibit-329 for<br/>15 identification.)</p> <p>16 - - -</p> <p>17 BY MS. SMITH:</p> <p>18 Q. This is the county's outside employment<br/>19 policy implemented in November -- well, I'm sorry.<br/>20 This is not a signed policy.</p> <p>21 Do you know whether this policy, outside<br/>22 employment policy actually implemented by the<br/>23 county?</p> <p>24 A. I don't have that information.</p> | <p>Page 251</p> <p>1 A. I don't.</p> <p>2 Q. Does the counsel have an implemented<br/>3 outside employment policy then?</p> <p>4 A. Yes.</p> <p>5 Q. Okay.</p> <p>6 Is it different than this one?</p> <p>7 A. No.</p> <p>8 Q. Okay.</p> <p>9 So this is the county --</p> <p>10 A. Oh, I'm sorry.</p> <p>11 Q. That's what I am trying to figure out.</p> <p>12 A. I'm sorry. I'm sorry. We go back -- I<br/>13 think we're on the same path, Ms. Smith, we<br/>14 just...</p> <p>15 Q. So what -- this policy has been<br/>16 implemented by the county?</p> <p>17 A. Correct.</p> <p>18 Q. Okay.</p> <p>19 This one is -- is an unsigned copy, and<br/>20 that's why I was trying to just make sure that<br/>21 this has, in fact --</p> <p>22 A. That there is a signed -- yes.</p> <p>23 Q. That this has, in fact, been implemented<br/>24 and put in place by the county?</p>                                                                                                                                                         |
| <p>Page 250</p> <p>1 Q. Did you -- you reviewed the notice of<br/>2 deposition today -- for today, correct?</p> <p>3 A. Uh-hum.</p> <p>4 Q. Is that a yes?</p> <p>5 A. Yes. Sorry.</p> <p>6 Q. And the list includes the implementation<br/>7 of policies and/or procedures regarding Schuylkill<br/>8 County's outside employment policy, correct?</p> <p>9 A. Correct.</p> <p>10 MS. JONES: What was your question?</p> <p>11 BY MS. SMITH:</p> <p>12 Q. Did you review this policy in advance of<br/>13 today for preparation for today's deposition?</p> <p>14 A. Yes.</p> <p>15 Q. Okay.</p> <p>16 So was it signed and implemented?</p> <p>17 A. I don't know.</p> <p>18 Q. But you reviewed it for today before --<br/>19 you reviewed a copy of this before today in<br/>20 preparation for today?</p> <p>21 A. I did. Could have been the same copy we<br/>22 have.</p> <p>23 Q. But you don't recall if the one you<br/>24 reviewed was implemented?</p>               | <p>Page 252</p> <p>1 A. Yes.</p> <p>2 Q. And was that in November of 2005?</p> <p>3 A. Yes.</p> <p>4 Q. Okay.</p> <p>5 Has there been any revisions to this<br/>6 policy since it was implemented, so since November<br/>7 2009?</p> <p>8 A. No.</p> <p>9 Q. All right.</p> <p>10 In the first paragraph there under the<br/>11 bolded policy statement, it states: The county of<br/>12 Schuylkill prohibits employees from holding two<br/>13 county jobs if the combined work hours exceed 40<br/>14 hours weekly.</p> <p>15 Does that mean that the actual hours<br/>16 work cannot exceed 40 or the possible hours<br/>17 worked?</p> <p>18 So, like, someone, if they're full time,<br/>19 could work up to 40 in one job and they, if<br/>20 employed in a second position, could work up to 40<br/>21 in another job, but let's say they work five at<br/>22 Office A and 35 at Office B, they could work up to<br/>23 80, but they are actually only working 40? Does<br/>24 that make -- so I am trying to figure out which it</p> |



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| <p>1 is.</p> <p>2 MS. JONES: Object to the form.</p> <p>3 But you may answer.</p> <p>4 THE WITNESS: My interpretation of</p> <p>5 the county is that if you have a full-time job</p> <p>6 that's 35 hours a week, so if you took a second</p> <p>7 job in the courthouse, I don't know of a job out</p> <p>8 there that's only five hours per week.</p> <p>9 Q. But what if the person isn't working any</p> <p>10 hours in their current full-time job?</p> <p>11 A. Why aren't they? That would be my</p> <p>12 question. If your job -- so if you're a clerk in</p> <p>13 an office and you're expected to be there 35 hours</p> <p>14 a week, so you take another job for 15 hours a</p> <p>15 week, no, then you couldn't take that job.</p> <p>16 Q. What if they're on unpaid suspension,</p> <p>17 does this policy prohibit that individual who is</p> <p>18 not working any hours from taking a job in an</p> <p>19 elected official's office who has 1620 rights?</p> <p>20 A. I would say, no, that they can't have</p> <p>21 two jobs. And that was Mr. Marshall's</p> <p>22 interpretation as well.</p> <p>23 Q. Okay.</p> <p>24 But as the County of Schuylkill, as you</p> | <p>Page 253</p> <p>1 A. That is correct.</p> <p>2 Q. She committed to the field appraiser</p> <p>3 position for 35 hours a week, correct?</p> <p>4 A. Yes.</p> <p>5 Q. And she worked at the same time in the</p> <p>6 coroner's office for more than five hours per</p> <p>7 week, correct?</p> <p>8 A. That is -- that is correct. I think she</p> <p>9 had, yes.</p> <p>10 Q. Okay.</p> <p>11 So did the county not enforce this</p> <p>12 policy against Ms. Detweiler?</p> <p>13 A. We did.</p> <p>14 Q. And how did you do so?</p> <p>15 A. They had to give up those positions.</p> <p>16 Q. When was she forced to give up that</p> <p>17 position?</p> <p>18 A. In 20, I want to say, '16.</p> <p>19 Q. How long did she hold both positions</p> <p>20 for?</p> <p>21 A. Longer than that. I don't know when she</p> <p>22 started at the coroner's office.</p> <p>23 Q. How -- would it be more than a year that</p> <p>24 she held both positions?</p>                                                                                                                                     |
| <p>Page 254</p> <p>1 sit here today, is it your testimony that an</p> <p>2 individual cannot hold two county jobs if -- even</p> <p>3 if they're not working any hours in one of those</p> <p>4 two jobs?</p> <p>5 A. Yes, because they signed -- committed to</p> <p>6 a certain number of hours in excess of 40.</p> <p>7 Q. So it's -- the policy prohibits an</p> <p>8 individual from holding two positions which could</p> <p>9 potentially be worked more than 40 hours?</p> <p>10 A. Correct.</p> <p>11 Q. Okay.</p> <p>12 So it's not the actual hours worked,</p> <p>13 it's the potential hours they could work?</p> <p>14 A. Correct.</p> <p>15 Q. All right.</p> <p>16 You know who Deborah Detweiler is,</p> <p>17 correct?</p> <p>18 A. I do.</p> <p>19 Q. Ms. Deb Detweiler worked full time in</p> <p>20 the assessment office as a field appraiser,</p> <p>21 correct?</p> <p>22 A. She was.</p> <p>23 Q. And she also, at the same time, worked</p> <p>24 in the coroner's office, correct?</p>                                                                                                                                                                         | <p>Page 256</p> <p>1 A. I would think so, yes.</p> <p>2 Q. Would you say more than two years?</p> <p>3 A. That I don't know.</p> <p>4 Q. Why did the county decide to enforce</p> <p>5 this policy and have her pick between the two</p> <p>6 jobs?</p> <p>7 A. The county at one point probably just</p> <p>8 ignored that. Well, not probably, just ignored</p> <p>9 it. When I came on board in 2016, this was</p> <p>10 addressed to me with the HR officer, Martina</p> <p>11 Quasak. And I think inform Dr. Moreland that</p> <p>12 people cannot work more than five hours in his</p> <p>13 office and he assured me that's what he would do.</p> <p>14 We discovered then he wasn't doing that, which is</p> <p>15 now some litigation.</p> <p>16 Q. When did that litigation begin?</p> <p>17 A. I don't know specifically.</p> <p>18 Q. Was it in 2016?</p> <p>19 A. No.</p> <p>20 Q. Okay.</p> <p>21 It was -- it was after that, right?</p> <p>22 A. It was after that, yes.</p> <p>23 Q. What's the county's definition of a</p> <p>24 full-time employee hours wise? Like, how many</p> |

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| <p>Page 257</p> <p>1 hours, when someone's full time, do they have to</p> <p>2 commit to?</p> <p>3 A. It depends on the office. Most offices</p> <p>4 in the courthouse are 35 hours a week. We have</p> <p>5 some offices in the -- in the county that are 37</p> <p>6 and a half hours a week. We have some that are 40</p> <p>7 hours a week.</p> <p>8 Q. Okay.</p> <p>9 So none less than 35?</p> <p>10 A. Full time, no.</p> <p>11 Q. Okay.</p> <p>12 And what about part time, is there any</p> <p>13 set number of hours a part-time employee has to</p> <p>14 work?</p> <p>15 A. Between 15 and 20 hours per week.</p> <p>16 Q. So no less than 15?</p> <p>17 A. We try to keep the -- the part timers</p> <p>18 below a certain number of hours to avoid health</p> <p>19 benefits.</p> <p>20 Q. Okay.</p> <p>21 So under a certain number, but no less</p> <p>22 than 15?</p> <p>23 A. I would think so.</p> <p>24 Q. Okay.</p> | <p>Page 259</p> <p>1 Q. A tax collector is an elect official?</p> <p>2 A. It is.</p> <p>3 Q. Does she receive payroll from the county</p> <p>4 as a tax collector?</p> <p>5 A. I do believe so.</p> <p>6 Q. And the Schuylkill County payroll</p> <p>7 system, Payroll Statistics, would have her listed</p> <p>8 as a part-time employee as a tax collector,</p> <p>9 correct?</p> <p>10 A. Don't know that for sure. Probably.</p> <p>11 Q. Is there a ceiling on the number of</p> <p>12 hours that a tax collector can work?</p> <p>13 A. A tax collector's hours are set by the</p> <p>14 tax collector.</p> <p>15 Q. How many hours a week does Ms. -- how</p> <p>16 many hours a week does Heather M. work as a tax</p> <p>17 collector?</p> <p>18 A. I don't know.</p> <p>19 Q. Okay.</p> <p>20 But there's a set number of hours?</p> <p>21 A. Not really. That's up to the collector.</p> <p>22 So if the tax collector says, I'm going to have my</p> <p>23 office open from 9:00 to 2:00 on a Saturday,</p> <p>24 that's when I'm collecting taxes.</p> |
| <p>Page 258</p> <p>1 So you know who Heather Matascavage is?</p> <p>2 I am going to say --</p> <p>3 A. Matascavage.</p> <p>4 Q. Matascavage. I always say it wrong.</p> <p>5 Thank you.</p> <p>6 You know who she is, correct?</p> <p>7 A. I do.</p> <p>8 Q. So is a Clerk Typist 2 at the</p> <p>9 courthouse?</p> <p>10 A. She is.</p> <p>11 Q. In what department or division?</p> <p>12 A. Tax claim.</p> <p>13 Q. She's full time there, correct?</p> <p>14 A. Correct.</p> <p>15 Q. Is she a 35, 37, 40-hour a week?</p> <p>16 A. Thirty-five.</p> <p>17 Q. She also is a tax collector for the</p> <p>18 county, correct?</p> <p>19 A. A tax?</p> <p>20 Q. Collector.</p> <p>21 A. Collector. That is correct.</p> <p>22 Q. As a part-time employee, correct?</p> <p>23 A. We don't classify it as that. She's an</p> <p>24 elected official.</p>                                                                                  | <p>Page 260</p> <p>1 Q. Okay.</p> <p>2 A. Those are her hours.</p> <p>3 Q. So she herself, as the tax collector,</p> <p>4 determines her own hours?</p> <p>5 A. That is correct.</p> <p>6 Q. So her potential hours as a tax</p> <p>7 collector are as many as she desires?</p> <p>8 A. But she's not paid by the hour. She's</p> <p>9 paid be the amount of taxes she collects.</p> <p>10 Q. Okay.</p> <p>11 But she is listed as county part-time</p> <p>12 employee on the payroll statistics form, correct?</p> <p>13 A. That I don't know.</p> <p>14 Q. Is the tax collection office different</p> <p>15 than a tax collector?</p> <p>16 MS. JONES: I am going to object to</p> <p>17 the form of the question, I think it answers</p> <p>18 itself.</p> <p>19 But you can answer if you can.</p> <p>20 THE WITNESS: Well, yeah, because</p> <p>21 the office is an office and the tax collector is</p> <p>22 the tax collector.</p> <p>23 BY MS. SMITH:</p> <p>24 Q. Okay.</p>                                                                                |

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| <p style="text-align: right;">Page 261</p> <p>1 So the tax collection -- a tax</p> <p>2 collection office employee is not -- is an actual</p> <p>3 employee, not what you said, was an elected</p> <p>4 official as a tax collector, correct?</p> <p>5 MS. JONES: I am going to object to</p> <p>6 the form of that question.</p> <p>7 If you can answer it --</p> <p>8 THE WITNESS: Could you repeat it?</p> <p>9 BY MS. SMITH:</p> <p>10 Q. So let's go -- strike that.</p> <p>11 Ms. Alicia Beach, you know who that is,</p> <p>12 correct?</p> <p>13 A. I do.</p> <p>14 Q. So she is an employee of what office at</p> <p>15 the county courthouse?</p> <p>16 A. County treasurer's office.</p> <p>17 Q. Okay.</p> <p>18 So could that potentially be listed as</p> <p>19 the tax collection office?</p> <p>20 MS. JONES: I object to the form.</p> <p>21 MS. SMITH: On the --</p> <p>22 MS. JONES: I object it's beyond</p> <p>23 the scope of this -- this -- this list of topics,</p> <p>24 too.</p>                                                                                                                                      | <p style="text-align: right;">Page 263</p> <p>1 And do you know how many hours a week</p> <p>2 Alicia Beach worked as an acting tax collector, as</p> <p>3 per the county's payroll statistic form?</p> <p>4 A. I do not.</p> <p>5 Q. Okay.</p> <p>6 A. I would have to -- we are getting into</p> <p>7 an area I'm very uncomfortable with because the --</p> <p>8 each tax collector has to have someone that's</p> <p>9 available to collect taxes when they are not --</p> <p>10 like if they're on vacation, so that they have --</p> <p>11 I didn't know if that was an acting or an</p> <p>12 alternate, that's by law. So I don't know if</p> <p>13 Melissa -- if Alicia Beach is one of those or not.</p> <p>14 Q. Okay.</p> <p>15 A. We do know that Heather Matascavage is a</p> <p>16 tax collector and she's not paid by the hour by</p> <p>17 the county, she's paid based on the taxes she</p> <p>18 collects.</p> <p>19 Q. Okay.</p> <p>20 A. She has an independent office, not paid</p> <p>21 for by the county, that she sits in. And it can</p> <p>22 be in her home or it can be in the office of the</p> <p>23 municipality where she collects municipal taxes.</p> <p>24 Q. All right. Let's move on to someone who</p> |
| <p style="text-align: right;">Page 262</p> <p>1 MS. SMITH: Well, it's</p> <p>2 implementation of this outside employment policy.</p> <p>3 Trying to figure out who they actually implemented</p> <p>4 against and who they enforced it against and who</p> <p>5 they choose not to enforce it against.</p> <p>6 MS. JONES: Okay.</p> <p>7 BY MS. SMITH:</p> <p>8 Q. So Ms. Alicia Beach, if the county's</p> <p>9 payroll statistic form has her listed as full time</p> <p>10 in the tax collection office, county courthouse,</p> <p>11 that would be the treasurer's office?</p> <p>12 A. That would be the treasurer's office.</p> <p>13 Q. Okay.</p> <p>14 And then it has her listed as an acting</p> <p>15 tax collector. Is that -- but then it has Heather</p> <p>16 M. as a tax collector. Are those two different</p> <p>17 things?</p> <p>18 A. I don't know. I would have to know</p> <p>19 whether Alicia Beach is an assistant tax collector</p> <p>20 in a municipality.</p> <p>21 Q. Well, is Alicia Beach a tax collector in</p> <p>22 any municipality?</p> <p>23 A. I am not aware of any.</p> <p>24 Q. Okay. All right.</p> | <p style="text-align: right;">Page 264</p> <p>1 is not a tax collector.</p> <p>2 Do you know who William Burke is?</p> <p>3 A. I do.</p> <p>4 Q. Is he a county solicitor?</p> <p>5 A. He's a solicitor. He's a solicitor for</p> <p>6 the recorder of deeds office.</p> <p>7 Q. Okay.</p> <p>8 So he's not in the same office as</p> <p>9 Defendant Roth, like the solicitor's office?</p> <p>10 A. Oh, no. No. No. I'm sorry.</p> <p>11 Q. Okay.</p> <p>12 A. Each row office gets to have their own</p> <p>13 solicitor.</p> <p>14 Q. Okay. All right. Thank you for that</p> <p>15 clarification.</p> <p>16 And, I'm sorry, you said he's a</p> <p>17 solicitor for which office?</p> <p>18 A. Recorder of deeds.</p> <p>19 Q. Okay.</p> <p>20 And do you know how many hours a week</p> <p>21 part time he works for that office?</p> <p>22 A. They're not required to work any.</p> <p>23 Q. Do you know how many hours he does work</p> <p>24 though?</p>                                                                                                                                                                                                                                                                               |

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| <p>Page 265</p> <p>1 A. I do not.</p> <p>2 Q. And he's also an assistant public</p> <p>3 defender part time?</p> <p>4 A. He is.</p> <p>5 Q. Do you know how many hours he -- a week</p> <p>6 he works there?</p> <p>7 A. I do not.</p> <p>8 Q. Okay.</p> <p>9 In any event, as a solicitor for the</p> <p>10 recorder of deeds office, part time, he could work</p> <p>11 up to how many hours?</p> <p>12 A. I guess it would depend on his caseload.</p> <p>13 Q. But what's he allowed to county up to?</p> <p>14 What's the county permit him? How many hours a</p> <p>15 week? Because you say part -- you said the county</p> <p>16 tries to keep part-time employees under a certain</p> <p>17 amount of health coverage.</p> <p>18 A. Correct. But he's not paid by the hour.</p> <p>19 He's paid a -- a fee.</p> <p>20 Q. For which office?</p> <p>21 A. For the recorder of deeds. He's paid</p> <p>22 hourly in the public defender's office.</p> <p>23 Q. And how many hours a week does he -- can</p> <p>24 he work this?</p> <p>Page 266</p> <p>1 A. I don't know in the public defender's</p> <p>2 office.</p> <p>3 Q. All right.</p> <p>4 We were talking a little about STEB</p> <p>5 reports earlier, the State Tax Equalization Board</p> <p>6 reports. The county is responsible for submitting</p> <p>7 those reports to the State Tax Equalization Board,</p> <p>8 correct?</p> <p>9 A. That's correct.</p> <p>10 Q. What position at the county is</p> <p>11 responsible for the STEB reports?</p> <p>12 A. The assessment office.</p> <p>13 Q. What position?</p> <p>14 A. In general. And specifically it would</p> <p>15 be the -- Jane Doe 1's position.</p> <p>16 Q. What position is that?</p> <p>17 A. Market analyst.</p> <p>18 Q. What information is used to complete</p> <p>19 those reports?</p> <p>20 A. Current sales.</p> <p>21 Q. Where is that information obtained from?</p> <p>22 A. In our Govern System at the county</p> <p>23 courthouse.</p> <p>24 Q. And who inputs the sales information</p> | <p>Page 267</p> <p>1 into Govern? Like how is that --</p> <p>2 A. Someone in the assessment office.</p> <p>3 Q. Do you know what position?</p> <p>4 A. I don't.</p> <p>5 Q. Okay.</p> <p>6 Is the Govern System the only system</p> <p>7 that is used to complete -- required to complete</p> <p>8 the STEB reports or are there others?</p> <p>9 A. No. You need to use that system, yes.</p> <p>10 Q. Right.</p> <p>11 But other than Govern, is there any</p> <p>12 others?</p> <p>13 A. Not that I'm aware of, no.</p> <p>14 Q. Okay.</p> <p>15 So like Smart Term is a system the</p> <p>16 county --</p> <p>17 A. No. I'm sorry. No. Just the Govern</p> <p>18 System.</p> <p>19 Q. Hold on.</p> <p>20 Smart Term is a system the county has,</p> <p>21 right?</p> <p>22 A. Yes.</p> <p>23 Q. Okay.</p> <p>24 But there's no other systems, other than</p> <p>Page 268</p> <p>1 Govern, that Jane Doe 1's position, real estate</p> <p>2 market analyst would need to use in order to</p> <p>3 complete the STEB reports?</p> <p>4 A. Correct.</p> <p>5 Q. Okay.</p> <p>6 Can the Govern System be accessed from</p> <p>7 locations other than county buildings?</p> <p>8 A. Yes.</p> <p>9 Q. And there's deadlines for the STEB</p> <p>10 reports, correct?</p> <p>11 A. There are.</p> <p>12 Q. What are those deadlines?</p> <p>13 A. I'm not aware.</p> <p>14 Q. Were any deadlines for the STEB reports</p> <p>15 stayed during COVID -- the COVID-19 pandemic?</p> <p>16 A. What do you mean?</p> <p>17 Q. Stayed. Like, were they paused? Did</p> <p>18 the -- the state say, there's normally a deadline,</p> <p>19 but since COVID, we're going to extend them or</p> <p>20 pause them until we figure what's going on with</p> <p>21 COVID?</p> <p>22 A. Yeah. I'm not aware of that.</p> <p>23 Q. You're not aware that the state</p> <p>24 implemented a hiatus on the reports?</p> |
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| <p style="text-align: right;">Page 269</p> <p>1 A. I am not.</p> <p>2 Q. What happens if a deadline is not met?</p> <p>3 A. That I don't know.</p> <p>4 Q. I know we touched on electronic devices</p> <p>5 earlier and I apologize if I am repeating myself.</p> <p>6 If I am, I am sure your attorney will object.</p> <p>7 Does the county have any policies or</p> <p>8 procedures, whether memorialized in writing or</p> <p>9 not, regarding the issuance of electronic devices</p> <p>10 to its employees or -- employees or elected</p> <p>11 officials?</p> <p>12 MS. JONES: Object to the form.</p> <p>13 But if you can answer, you may.</p> <p>14 THE WITNESS: For a device, it</p> <p>15 would be up to the department head whether they</p> <p>16 need that device. For instance, I think we</p> <p>17 mentioned earlier, the children and youth clerk,</p> <p>18 the caseworkers have them so they can enter data</p> <p>19 in the field. Senior services has them. Adult</p> <p>20 probation has them. So it's up to the department</p> <p>21 what their needs are.</p> <p>22 Q. Okay.</p> <p>23 So let me unpack that a little bit.</p> <p>24 Is there any written policy regarding</p> | <p style="text-align: right;">Page 271</p> <p>1 So it's a -- field appraiser is in the</p> <p>2 assessment office, correct?</p> <p>3 A. Correct.</p> <p>4 Q. If a field appraiser needed -- wanted a</p> <p>5 county cell phone, it would be up to Mr. Hatter to</p> <p>6 determine if that person should get a county cell</p> <p>7 phone?</p> <p>8 A. Yes.</p> <p>9 Q. Where would Mr. Hatter go then? Like,</p> <p>10 would he just go to MIS or who -- who has the</p> <p>11 county devices, electronic devices, was it MIS?</p> <p>12 A. The -- those that are on -- on a -- on a</p> <p>13 data plan, that would come through me.</p> <p>14 Q. Okay.</p> <p>15 So let's -- I want to kind of back up a</p> <p>16 little bit and unpack that.</p> <p>17 So if it's something that's not on a</p> <p>18 data plan and Mr. Hatter says my employee, a field</p> <p>19 assessor, needs this device not on a data plan, he</p> <p>20 can go where to get that device?</p> <p>21 A. He would go to MIS and then MIS would</p> <p>22 order them if they're just regular -- regular</p> <p>23 iPads without a data plan.</p> <p>24 Q. Okay.</p>                                          |
| <p style="text-align: right;">Page 270</p> <p>1 how electronic devices are issued to its employees</p> <p>2 or elected officials?</p> <p>3 A. No.</p> <p>4 Q. Okay.</p> <p>5 So there is procedures in place, common</p> <p>6 procedures, but nothing in writing?</p> <p>7 A. Correct.</p> <p>8 Q. Okay.</p> <p>9 And it's your testimony that each</p> <p>10 department head is -- is tasked with or</p> <p>11 responsible for issuing county electronic device</p> <p>12 to its employees?</p> <p>13 A. Yes. They decide who should be using</p> <p>14 them.</p> <p>15 Q. So when you say -- I just want to make</p> <p>16 sure that I'm clear. When you say a department</p> <p>17 head, for instance, in the assessment office, it</p> <p>18 would be the chief assessor still right now, I</p> <p>19 believe it's Mr. --</p> <p>20 A. Hatter.</p> <p>21 Q. -- Hatter, correct? Correct?</p> <p>22 A. Correct.</p> <p>23 Q. Sorry. We just need a verbal on the</p> <p>24 record.</p>                                                                                                                                                                                                                | <p style="text-align: right;">Page 272</p> <p>1 And he doesn't have to have approval</p> <p>2 from anyone at the county, other than himself, to</p> <p>3 get that non-data plan device?</p> <p>4 A. We would look to make sure that's in his</p> <p>5 budget. So if it's not in his budget, he would</p> <p>6 have to go to the finance department and request</p> <p>7 that he can get something off -- on that</p> <p>8 particular line item. He may have to do a budget</p> <p>9 adjustment. Mr. Buber, who is our -- my finance</p> <p>10 director, would then contact me and see if I</p> <p>11 approve that.</p> <p>12 Q. When you say we will look at his budget,</p> <p>13 who is we?</p> <p>14 A. I'm sorry. The finance director, Mr.</p> <p>15 Buber, and myself.</p> <p>16 Q. Okay.</p> <p>17 So what if he had the money in his</p> <p>18 budget, does that still have to be reviewed by you</p> <p>19 and Mr. -- you, Mr. Bender, and Mr. Buber?</p> <p>20 A. No, because that's passively approved</p> <p>21 when -- when the commissioners approve the budget.</p> <p>22 So...</p> <p>23 Q. Go ahead. Sorry.</p> <p>24 A. So if he has in his budget for 2023, I'm</p> |



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| <p style="text-align: right;">Page 273</p> <p>1 going to need five new iPads in my office, I put<br/>2 them in my budget. When Paul and I review the<br/>3 budget request at the end of the year, we say,<br/>4 well, you know, he just got five iPads last year,<br/>5 we would strike that or we would call him and say,<br/>6 why do you need five more. And then if they get<br/>7 included in the budget, he has the budgetary<br/>8 authority then to purchase those.<br/>9 Q. So if he's planned for in his budget for<br/>10 the year, if it's something planned, he can just<br/>11 go to MIS and get the device?<br/>12 A. That is correct.<br/>13 Q. It's not a data plan. If he hasn't<br/>14 planned for it in his budget and something changes<br/>15 over the course of a year, which can happen, he<br/>16 then comes to you, Mr. Bender, and Mr. Buber and<br/>17 says, I need some wiggle room in my budget to<br/>18 order this device and you review it and either<br/>19 approve or decline it?<br/>20 A. Correct.<br/>21 Q. Okay.<br/>22 So that's -- go ahead.<br/>23 A. Just to be clear, MIS doesn't have them<br/>24 sitting in their office down there.</p> | <p style="text-align: right;">Page 275</p> <p>1 do that.<br/>2 Q. Okay.<br/>3 So if it's in their budget, you, and<br/>4 only you, Mr. Bender, can approve it. If it's not<br/>5 in their budget, it, again, requires the<br/>6 involvement of Mr. Buber?<br/>7 A. Correct.<br/>8 Q. Okay.<br/>9 And is there something at the county<br/>10 called surplus?<br/>11 A. From?<br/>12 Q. For electronic devices, like if they're<br/>13 returned to surplus? Is that...<br/>14 A. From time to time when -- when we were<br/>15 there, they get surplus. Say, a computer, the<br/>16 hard drive will be taken out by MIS, the computer<br/>17 box itself and the monitor will be placed<br/>18 downstairs. There's a company that come in and<br/>19 recycle them.<br/>20 Q. Okay.<br/>21 So, for instance, what happens if<br/>22 elected official changes who is elected to<br/>23 position, right? Because they only serve a term,<br/>24 so sometimes they change, correct?</p>                                                                                                                                                                                                                                            |
| <p style="text-align: right;">Page 274</p> <p>1 Q. Fair.<br/>2 They have to order it?<br/>3 A. Yeah. So he would put a purchase order<br/>4 through, but that purchase order has to be<br/>5 approved by -- and MIS may go out and get a quote<br/>6 for him.<br/>7 Q. Okay.<br/>8 A. So he knows what to put in that purchase<br/>9 order.<br/>10 Q. Okay.<br/>11 A. I don't --<br/>12 Q. Yeah. No. No. It's -- and I<br/>13 appreciate the clarification because that's what<br/>14 we're trying to find out here today, how the<br/>15 county operates.<br/>16 So that was for non-data devices, data<br/>17 plan devices. For data plan devices that request<br/>18 for those devices come to you, Mr. Bender?<br/>19 A. That is correct.<br/>20 Q. Okay.<br/>21 And -- and you and only you have to<br/>22 review and approve it or do you have to get input<br/>23 or do you have to involve Mr. Buber in that?<br/>24 A. It would have to be in their budget to</p>                                                                                                                                                                                                             | <p style="text-align: right;">Page 276</p> <p>1 A. Correct.<br/>2 Q. What if someone, an elected official,<br/>3 has been an issued an electronic device from the<br/>4 county and it's still in good and working order<br/>5 and they either don't run the next term or someone<br/>6 unseats them and someone new comes into their<br/>7 elected position, what happens to the no longer<br/>8 elected officials good working order condition<br/>9 electronic devices?<br/>10 A. We would offer that to the elected<br/>11 official that comes in, if he wants that. We<br/>12 would -- you know, you have to try to get the --<br/>13 with an iPad, as you well know, if they don't<br/>14 provide you with that Apple ID, you're dead in the<br/>15 water. Than does happen. That does happen and<br/>16 then they're useless.<br/>17 Q. Okay.<br/>18 A. But let's say he puts his Apple ID in<br/>19 and we erase -- erase everything. Then it's like<br/>20 a brand new iPad and this elected official could<br/>21 use it. If he doesn't want it, then it goes to<br/>22 MIS and it can be re-purposed.<br/>23 Q. So barring the not having the Apple ID,<br/>24 which I understand not having that and it being</p> |

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| <p>Page 277</p> <p>1 use -- a useless paper, barring that or aside from</p> <p>2 that, if -- when the elected official is no longer</p> <p>3 a seated elected official, who do they return</p> <p>4 their device to?</p> <p>5 A. I would say to MIS. Anybody in the</p> <p>6 commissioner's office will return them to me,</p> <p>7 since I am in the commissioner's office. But an</p> <p>8 elected official could just turn them into MIS.</p> <p>9 Q. Okay.</p> <p>10 And is that sometimes referred to</p> <p>11 returning a device to surplus?</p> <p>12 A. Yes and no. It's -- it's -- when you</p> <p>13 say surplus, I'm interpreting surplus to mean it's</p> <p>14 no good anymore, we're going to surplus it.</p> <p>15 Q. Okay.</p> <p>16 A. And it's going to be disposed of.</p> <p>17 Q. Okay.</p> <p>18 A. So the better word, it would be</p> <p>19 re-purposed.</p> <p>20 Q. Okay.</p> <p>21 But when a device is re-purposed,</p> <p>22 meaning changing hands between employees or</p> <p>23 elected officials, the county, I think as I</p> <p>24 understand your testimony, clears the data or the</p> | <p>Page 279</p> <p>1 in my office and I am not using mine and you're in</p> <p>2 a different office, I say, okay, Ms. Smith, I am</p> <p>3 going to give you this device. I will then, on</p> <p>4 the next report, delete that and it was a transfer</p> <p>5 to whatever your department is. And you on your</p> <p>6 report, would have added to or transferred into.</p> <p>7 Q. Okay.</p> <p>8 A. So we track where that -- where that</p> <p>9 device goes.</p> <p>10 Q. Who is in -- like who is possession and</p> <p>11 using it, correct?</p> <p>12 A. Yes.</p> <p>13 Q. Right.</p> <p>14 So that -- that report is -- those</p> <p>15 notations are made so the county knows who is</p> <p>16 supposed to be in possession and responsible for</p> <p>17 that county-issued electronic device?</p> <p>18 A. That is correct.</p> <p>19 Q. Okay.</p> <p>20 And those notations on those reports</p> <p>21 include a serial number or something regarding the</p> <p>22 device?</p> <p>23 A. They do. And the original value of the</p> <p>24 model.</p>   |
| <p>Page 278</p> <p>1 hard drive or the information on it so it's a</p> <p>2 blank, new device, new in the sense it has no</p> <p>3 data?</p> <p>4 A. A new old device, yes.</p> <p>5 Q. Yeah. Okay. Yes.</p> <p>6 So this -- again, this is not a policy</p> <p>7 in writing, this is just the procedures of the</p> <p>8 county, correct?</p> <p>9 A. Correct.</p> <p>10 Q. So are employees -- does the county have</p> <p>11 any procedure about the transfer of devices</p> <p>12 between employees -- employee to employee,</p> <p>13 employee to elected official?</p> <p>14 MS. JONES: I will object to the</p> <p>15 form. I am not sure I understand the question, so</p> <p>16 I am a little hesitant to let him answer.</p> <p>17 MS. SMITH: I can clarify it.</p> <p>18 BY MS. SMITH:</p> <p>19 Q. Do you need me to clarify it or do you</p> <p>20 understand?</p> <p>21 A. No, I think I know what you mean.</p> <p>22 Q. Okay.</p> <p>23 A. We -- we have asset reports. Each</p> <p>24 department has what devices they have. So if I'm</p>                                                                  | <p>Page 280</p> <p>1 Q. Okay.</p> <p>2 When that situation happens, when a</p> <p>3 department to department -- when a transfer of a</p> <p>4 device occurs in that matter, does it go to MIS</p> <p>5 for the data to be wiped, similar to the elected</p> <p>6 official scenario we were speaking of?</p> <p>7 A. It should, yes.</p> <p>8 Q. Okay.</p> <p>9 So MIS should also have some</p> <p>10 documentation as to that transfer?</p> <p>11 A. Yes.</p> <p>12 Q. Okay.</p> <p>13 A. Well, they have -- because they get</p> <p>14 copies of those reports.</p> <p>15 Q. Okay.</p> <p>16 So they have the -- the report that each</p> <p>17 of those departments who transfer the devices do?</p> <p>18 A. Yeah. And most times what will happen,</p> <p>19 say if it's my device and you're going to get it,</p> <p>20 I would enter my Apple ID, I would erase it, and</p> <p>21 give you my iPad, and then you've got a clean</p> <p>22 iPad.</p> <p>23 Q. Well -- so in that scenario, MIS wasn't</p> <p>24 involved. So does it go to MIS or does --</p> |

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| <p>Page 281</p> <p>1 A. It doesn't have to.</p> <p>2 Q. Okay.</p> <p>3 So the county procedure, it doesn't have</p> <p>4 to go to MIS?</p> <p>5 A. Right. So if you have a department, if</p> <p>6 I am going to transfer to you, then we already</p> <p>7 know -- if I don't have a use for it, then I take</p> <p>8 it to MIS and say another departments wants it,</p> <p>9 you have one available, we can re-purpose that</p> <p>10 machine.</p> <p>11 Q. Does the county have any policy or</p> <p>12 procedure, written or not written, about returning</p> <p>13 devices to surplus, by your definition of surplus,</p> <p>14 so no longer going to be used, that are subject to</p> <p>15 a litigation hold?</p> <p>16 A. Well, in that case, they -- they need to</p> <p>17 go to MIS.</p> <p>18 Q. And then is MIS to wipe them clean and</p> <p>19 return them to surplus or is MIS -- what -- what</p> <p>20 are they supposed to do with the county --</p> <p>21 A. If they are in a litigation hold, they</p> <p>22 are probably in a -- an area down there that's --</p> <p>23 that's secure.</p> <p>24 Q. Okay.</p> | <p>Page 283</p> <p>1 Defendant Halcovage has possession of one,</p> <p>2 correct?</p> <p>3 A. Yes.</p> <p>4 Q. Okay.</p> <p>5 The one that he's in possession of, has</p> <p>6 MIS -- I am sorry if you answered this.</p> <p>7 Has MIS ever preserved, cloned, copied</p> <p>8 the contents of that?</p> <p>9 A. I'm almost certain. Yeah, Stanley comes</p> <p>10 out to look and to download photos and things like</p> <p>11 that. Those were all taken off his...</p> <p>12 Q. Off the one he's -- the iPad he's --</p> <p>13 A. Yes.</p> <p>14 Q. -- currently in possession of? Photos?</p> <p>15 I'm sorry. What else?</p> <p>16 A. Photos are about the only thing.</p> <p>17 Basically an iPad is used for, as you know, it's a</p> <p>18 great e-mail device. It's not a device that you</p> <p>19 use to store documents. So it's not a big</p> <p>20 document depository. But it's used for photos,</p> <p>21 media, and -- and e-mails. And the e-mails don't</p> <p>22 really have to come off of after because they're</p> <p>23 in a central place.</p> <p>24 Q. We discussed that earlier.</p>                                         |
| <p>Page 282</p> <p>1 Are all iPads that the county has issued</p> <p>2 to Defendant Halcovage in MIS's possession? I'm</p> <p>3 sorry. Strike that.</p> <p>4 Are all electronic -- county-issued</p> <p>5 electronic devices that have been issued to</p> <p>6 Defendant Halcovage since May of 2020, in the</p> <p>7 county's possession?</p> <p>8 MS. JONES: I object to the form.</p> <p>9 Like, today?</p> <p>10 MS. SMITH: Uh-hum.</p> <p>11 MS. JONES: Does MIS have them</p> <p>12 today, is that your question?</p> <p>13 MS. SMITH: Uh-hum. Yes.</p> <p>14 THE WITNESS: I think they're</p> <p>15 accounted for, yes.</p> <p>16 BY MS. SMITH:</p> <p>17 Q. Okay.</p> <p>18 When you say accounted for, whose</p> <p>19 possession are they in?</p> <p>20 A. The one iPads Commissioner Halcovage</p> <p>21 still has. There's an iPad that's in MIS. And</p> <p>22 the Surface is taken back to MIS.</p> <p>23 Q. Okay.</p> <p>24 So MIS has possession of two and</p>                                                                                                                                                     | <p>Page 284</p> <p>1 What about audio recordings?</p> <p>2 MS. JONES: What about them?</p> <p>3 BY MS. SMITH:</p> <p>4 Q. Well, you were saying things can be</p> <p>5 taken off the iPad and it's mostly used for photos</p> <p>6 and e-mails can be obtained from another location.</p> <p>7 Were -- did MIS take any audio recordings or --</p> <p>8 shouldn't say take. Did they clone, copy,</p> <p>9 preserve any audio recordings that are on</p> <p>10 Defendant Halcovage's iPad that he's in possession</p> <p>11 of?</p> <p>12 A. I think they downloaded every -- I am</p> <p>13 pretty sure they -- I know you don't like think or</p> <p>14 pretty sure, but that was in the decree. So</p> <p>15 whatever is in decree, Mr. Nester really did a</p> <p>16 good job in making sure all that stuff was</p> <p>17 secured.</p> <p>18 Q. When you say decree, are you referring</p> <p>19 to the recent consent to the county --</p> <p>20 A. No. No. The one that you submitted,</p> <p>21 like preserving all documents.</p> <p>22 Q. Okay.</p> <p>23 You're calling that a decree. Okay.</p> <p>24 A. I'm sorry. Yeah. It's -- it's --</p> |

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| <p>Page 285</p> <p>1 Q. And when was that done?</p> <p>2 MS. JONES: Object to the form.</p> <p>3 THE WITNESS: That continues to be</p> <p>4 done.</p> <p>5 BY MS. SMITH:</p> <p>6 Q. What continues to be done?</p> <p>7 A. In other words, they will come up</p> <p>8 sometimes, like if George were to get a new</p> <p>9 computer, they would download everything on that</p> <p>10 computer, the hard drive, and that gets secured</p> <p>11 so -- or if he gets a new iPad, they would</p> <p>12 download stuff from the old iPad.</p> <p>13 Q. But I am talking about the iPad that</p> <p>14 Defendant Halcovege is currently in possession of.</p> <p>15 A. Okay.</p> <p>16 Q. When was the data from that preserved or</p> <p>17 cloned?</p> <p>18 A. That I don't know.</p> <p>19 Q. So you don't know -- do you know that</p> <p>20 that happened?</p> <p>21 A. I do not.</p> <p>22 Q. Okay.</p> <p>23 A. I mean, I have seen MIS in his office</p> <p>24 with the iPad.</p>                                                                                                                                                                 | <p>Page 287</p> <p>1 showed them a copy of the letter and they have</p> <p>2 to -- and here's what they have to do.</p> <p>3 BY MS. SMITH:</p> <p>4 Q. Okay.</p> <p>5 Other than the defendants?</p> <p>6 A. And Commissioners -- Commissioner</p> <p>7 Hetherington, well, he didn't have an iPad. But</p> <p>8 Commissioner Hess, I told him, and everybody else</p> <p>9 that was connected with the defendants, this is</p> <p>10 something we have to do.</p> <p>11 Q. Okay.</p> <p>12 Did that include the sheriff's</p> <p>13 department in it, anyone from the sheriff's</p> <p>14 department?</p> <p>15 A. I don't believe so, no.</p> <p>16 Q. When Ms. Kutzler came on board through</p> <p>17 the Hubric Resources agreement, was she informed</p> <p>18 of the county's requirement to preserve data and</p> <p>19 electronically-stored information?</p> <p>20 A. Yes.</p> <p>21 Q. When Ms. Zula came on board, was she</p> <p>22 informed of the same?</p> <p>23 A. Yes.</p> <p>24 Q. And who informed them of that?</p> |
| <p>Page 286</p> <p>1 Q. Have you spoken with anyone who has</p> <p>2 confirmed that they preserved, cloned, copied the</p> <p>3 contents of that?</p> <p>4 A. I have not.</p> <p>5 Q. So we were -- you were talking about the</p> <p>6 decree, the letter about the preservation that you</p> <p>7 received from my office.</p> <p>8 After receiving that, what actions did</p> <p>9 the county -- other than I think you testified to</p> <p>10 you instructing MIS about these electronic -- the</p> <p>11 electronic devices we went over earlier on in the</p> <p>12 deposition.</p> <p>13 Is there any other actions that the</p> <p>14 county took thereafter to preserve data and</p> <p>15 electronically-stored information related to the</p> <p>16 plaintiffs claims and/or the defendants defenses?</p> <p>17 MS. JONES: I object to the form.</p> <p>18 It's been asked and answered already.</p> <p>19 But you can answer.</p> <p>20 MS. SMITH: I am asking any other</p> <p>21 actions.</p> <p>22 MS. JONES: You can answer it.</p> <p>23 THE WITNESS: Yes. I certainly</p> <p>24 went to every defendant and told them that -- and</p> | <p>Page 288</p> <p>1 A. I did.</p> <p>2 Q. When Mr. Alu was working or contracting</p> <p>3 with the county, was he informed of that?</p> <p>4 A. Yes.</p> <p>5 Q. Was Mr. Hatter informed of the county's</p> <p>6 requirement?</p> <p>7 A. Yes.</p> <p>8 Q. Was Ms. Zimmerman?</p> <p>9 A. Yes. She's aware of the policy or of</p> <p>10 the -- of the order.</p> <p>11 Q. Okay.</p> <p>12 Was Ms. Dash?</p> <p>13 A. She's aware of it as well, yes.</p> <p>14 Q. Okay.</p> <p>15 And who informed these people of that?</p> <p>16 A. I did.</p> <p>17 Q. All of them?</p> <p>18 A. Yes.</p> <p>19 Q. Okay.</p> <p>20 And when you say I in this sense, you</p> <p>21 mean Mr. Bender?</p> <p>22 A. Mr. Bender did, yes.</p> <p>23 Q. I just wanted to make sure the record is</p> <p>24 clear. It gets confusing.</p>                                                                                                                                                                                                               |

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| <p style="text-align: right;">Page 289</p> <p>1 When you informed them of this, this</p> <p>2 requirement of the county's, what did you inform</p> <p>3 them specifically that they were required --</p> <p>4 A. That there's a litigation hold on all</p> <p>5 documents and all e-mails. They shouldn't be</p> <p>6 deleting any documents or deleting any e-mails.</p> <p>7 And that MIS would be coming up to make copies</p> <p>8 with a machine. The -- the computers of Jane Doe</p> <p>9 3 and Jane Doe 4 are down in -- in MIS, so they</p> <p>10 are not being used.</p> <p>11 Q. Was the -- were these instructions, any</p> <p>12 of these instructions to the people we just went</p> <p>13 over, in writing at all or were they all verbal?</p> <p>14 A. They were all verbal. The writing part</p> <p>15 came from your letter.</p> <p>16 Q. Okay.</p> <p>17 So other than providing my letter, my</p> <p>18 firm's letter?</p> <p>19 A. I didn't write a letter, no.</p> <p>20 Q. What's that?</p> <p>21 A. I didn't write a letter, no.</p> <p>22 Q. Okay.</p> <p>23 So other than you providing what was on</p> <p>24 my firm's letterhead, there was no other</p> | <p style="text-align: right;">Page 291</p> <p>1 object to the form and renew my objections to the</p> <p>2 extent that it's a duplicative request from</p> <p>3 existing discovery.</p> <p>4 You may answer if you can.</p> <p>5 THE WITNESS: I'm not aware of any</p> <p>6 written documents.</p> <p>7 BY MS. SMITH:</p> <p>8 Q. There was testimony about, and I don't</p> <p>9 recall who, but there was testimony about</p> <p>10 communications with the Johnson Controls.</p> <p>11 Do you know what Johnson Controls is?</p> <p>12 A. Johnson Controls installed the security</p> <p>13 system at the courthouse.</p> <p>14 Q. Okay.</p> <p>15 Was there ever any communication with</p> <p>16 Johnson Controls about preservation of</p> <p>17 surveillance footage from the courthouse related</p> <p>18 to the plaintiffs' claims?</p> <p>19 A. Yes. There was a -- a phone call by me</p> <p>20 and by Sheriff Groody as to how long things can be</p> <p>21 stored.</p> <p>22 Q. Any communications with Johnson Controls</p> <p>23 in writing, by e-mail, by letter?</p> <p>24 A. There would be e-mails to that effect,</p> |
| <p style="text-align: right;">Page 290</p> <p>1 independent documentation, whether e-mail, written</p> <p>2 document from you?</p> <p>3 A. No.</p> <p>4 Q. Okay.</p> <p>5 Does the county have any documents</p> <p>6 related to communications regarding the</p> <p>7 preservation or attempted preservation of any</p> <p>8 surveillance footage from the courthouse since May</p> <p>9 of 2020?</p> <p>10 MS. JONES: Object to the form.</p> <p>11 You can answer it if you can.</p> <p>12 THE WITNESS: Is that a yes?</p> <p>13 MS. JONES: Yes.</p> <p>14 THE WITNESS: The one that was --</p> <p>15 was preserved was the -- the hill incident.</p> <p>16 BY MS. SMITH:</p> <p>17 Q. Right.</p> <p>18 My question is more so or is, is there</p> <p>19 any documents, so like e-mails, letters, text</p> <p>20 messages, anything like that that the county has</p> <p>21 that show its efforts to preserve, whether</p> <p>22 successful efforts or unsuccessful efforts, but</p> <p>23 their attempts to preserve surveillance footage?</p> <p>24 MS. JONES: I am just going to</p>                                                                                           | <p style="text-align: right;">Page 292</p> <p>1 yes.</p> <p>2 Q. From whom to whom?</p> <p>3 A. Probably to Sheriff Groody or Brian</p> <p>4 Tobin, probably, and probably from me.</p> <p>5 Q. To Johnson Controls?</p> <p>6 A. Yes.</p> <p>7 Q. Okay.</p> <p>8 So you think there's e-mails from you,</p> <p>9 Mr. Bender, to Johnson Controls and possibly from</p> <p>10 Sheriff Groody and/or --</p> <p>11 A. I do.</p> <p>12 Q. And/or Deputy Tobin to Johnson Controls?</p> <p>13 A. I do.</p> <p>14 Q. About surveillance footage from the</p> <p>15 courthouse?</p> <p>16 A. The extent of what we can, how long they</p> <p>17 record.</p> <p>18 Q. Okay.</p> <p>19 Not actually requesting specific</p> <p>20 preservations of dates or times, just inquiring --</p> <p>21 A. Yes.</p> <p>22 Q. -- how long footage is retained?</p> <p>23 A. Yes.</p> <p>24 Q. Okay.</p>                                                                                                                                                                                                                                                      |



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| <p style="text-align: right;">Page 293</p> <p>1 And how long is footage retained?</p> <p>2 A. The length of time they can be stored?</p> <p>3 Q. Uh-huh.</p> <p>4 A. Two months.</p> <p>5 Q. There's been testimony in this case</p> <p>6 about video surveillance from the courthouse being</p> <p>7 viewed. I know we talked today about one where</p> <p>8 there was nothing allegedly useful on it and it</p> <p>9 was not preserved. But there was testimony about</p> <p>10 Jane Doe 1's office being entered into by an</p> <p>11 unknown woman. Was any video surveillance</p> <p>12 preserved from that incident?</p> <p>13 MS. JONES: Object to the form of</p> <p>14 the question. I'm not sure how that specific</p> <p>15 incident fits within the list and it's consistent</p> <p>16 with my other objections.</p> <p>17 If you're able, you may answer.</p> <p>18 MS. SMITH: Just for the record, 29</p> <p>19 is actions taken by SC to ensure preserve of data</p> <p>20 and electronically-stored information related to</p> <p>21 the plaintiffs' claims.</p> <p>22 BY MS. SMITH:</p> <p>23 Q. But I believe your attorney told you</p> <p>24 that you can answer.</p> | <p style="text-align: right;">Page 295</p> <p>1 So you made a determination that it</p> <p>2 wasn't useful, you, Mr. Bender, made a</p> <p>3 determination that it wasn't useful, so you didn't</p> <p>4 preserve it?</p> <p>5 A. I think it was Sheriff Groody.</p> <p>6 Q. Did you ask the plaintiffs if they</p> <p>7 agreed if they wanted -- that they -- let me</p> <p>8 strike that.</p> <p>9 Did the plaintiffs view it?</p> <p>10 A. That I don't know.</p> <p>11 Q. There was testimony in this case that</p> <p>12 Defendant Halcovage was walking through the</p> <p>13 courthouse unescorted and encountered the</p> <p>14 plaintiffs, Jane Doe 3, I believe, and Jane Doe 4.</p> <p>15 Do you -- do you -- are you aware of that?</p> <p>16 A. That's factually not correct. He was</p> <p>17 being escorted.</p> <p>18 Q. Go ahead.</p> <p>19 A. No, that's what I know.</p> <p>20 Q. How do you know that?</p> <p>21 A. Because the woman that escorted him told</p> <p>22 me.</p> <p>23 Q. Did you take a statement from her?</p> <p>24 A. No.</p>                                                                     |
| <p style="text-align: right;">Page 294</p> <p>1 So was there any effort or was that</p> <p>2 video footage preserved?</p> <p>3 A. That I don't know. I would have -- I</p> <p>4 did know there was video that people looked at.</p> <p>5 So if somebody downloaded it, it is probably on a</p> <p>6 flip drive somewhere.</p> <p>7 Q. Who looked at the video footage?</p> <p>8 A. Brian Tobin.</p> <p>9 Q. Anyone else?</p> <p>10 A. I think I did up in his office as well.</p> <p>11 Q. Okay.</p> <p>12 And you, Mr. Bender, and Mr. -- and</p> <p>13 Deputy Tobin were both aware of the county's</p> <p>14 requirement to preserve data including video</p> <p>15 surveillance, correct?</p> <p>16 A. Correct.</p> <p>17 Q. When -- and I should be clear, you were</p> <p>18 aware of it when that video surveillance was</p> <p>19 viewed, correct?</p> <p>20 A. Yes.</p> <p>21 Q. Was -- and you believe it was preserved?</p> <p>22 A. No, because we found out what was -- it</p> <p>23 wasn't anybody trying to enter her office.</p> <p>24 Q. Okay.</p>                                                                                                                       | <p style="text-align: right;">Page 296</p> <p>1 Q. Was there video surveillance reviewed?</p> <p>2 A. No.</p> <p>3 Q. If there was testimony that a county</p> <p>4 employer reviewed that video -- or either Ms. Zula</p> <p>5 or Ms. Kutzler reviewed that or Deputy Tobin</p> <p>6 reviewed that, would that be incorrect?</p> <p>7 A. I don't have knowledge of that.</p> <p>8 Q. Other than the hill incident, have</p> <p>9 any -- has any video surveillance been preserved</p> <p>10 by the county since May of 2020, related to the</p> <p>11 plaintiffs' claims?</p> <p>12 MS. JONES: Object to the form of</p> <p>13 the question.</p> <p>14 You can answer if you can.</p> <p>15 THE WITNESS: I don't know.</p> <p>16 BY MS. SMITH:</p> <p>17 Q. Mr. -- I'm sorry. Mr. Bender. Okay.</p> <p>18 So now I want to talk about grading</p> <p>19 scales for employees. So as I understand it, the</p> <p>20 county has a -- a range and a step designation for</p> <p>21 purposes of salary determination; am I accurate?</p> <p>22 A. For exempt employees, yes.</p> <p>23 Q. Okay.</p> <p>24 For exempt employees, right.</p> |

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| <p>Page 297</p> <p>1 And so how is an exempt employees's pay<br/>2 range decided? Meaning, because there's a range<br/>3 and a step, not their range of how they're paid,<br/>4 like the range on that -- that scale, how is that<br/>5 decided?</p> <p>6 MS. JONES: I am objecting to the<br/>7 form. I don't understand your question.<br/>8 Can you repeat it so I can understand<br/>9 it.</p> <p>10 MS. SMITH: Sure.<br/>11 BY MS. SMITH:<br/>12 Q. So I -- as I understand it, Mr. Bender,<br/>13 there's -- each employee who is exempt is assigned<br/>14 a range, which is one column on a scale, and a<br/>15 step, which is another access. And then they are<br/>16 followed up to the box where they overlap and that<br/>17 determines their salary; am I correct?</p> <p>18 A. Correct.<br/>19 Q. Okay.</p> <p>20 MS. SMITH: Does that?<br/>21 MS. JONES: It helps.<br/>22 MS. SMITH: Okay.</p> <p>23 BY MS. SMITH:<br/>24 Q. So there's two accesses, one is range,</p>                                                                                                                                                                                                                            | <p>Page 299</p> <p>1 Q. Okay. So let me make sure I understand<br/>2 you correctly.<br/>3 There's no written policy delineating<br/>4 certain criteria that the county has for ranges of<br/>5 exempt employees?</p> <p>6 MS. JONES: Object to the form. I<br/>7 don't believe that's what he said, so I'm<br/>8 objecting to the form.<br/>9 You can answer that question.<br/>10 MS. SMITH: So let me rephrase it.<br/>11 BY MS. SMITH:<br/>12 Q. Is there a written policy --<br/>13 A. No.<br/>14 Q. -- regarding assignment of a range to an<br/>15 employee --<br/>16 MS. JONES: Wait for the question,<br/>17 please.<br/>18 BY MS. SMITH:<br/>19 Q. Is there a written policy of the county<br/>20 for assignment of a range to an exempt employee?<br/>21 MS. JONES: I object to the form.<br/>22 You can answer.<br/>23 THE WITNESS: No.<br/>24 BY MS. SMITH:</p>                                                                                                                                                                                                                                                 |
| <p>Page 298</p> <p>1 one is step. I'm trying to figure out how the<br/>2 employee who is subjected to that, accesses are<br/>3 determined. So how their range number is<br/>4 determined and how their step number is<br/>5 determined.</p> <p>6 So I want to start with range. Is there<br/>7 a formula? Is there a written policy? Are there<br/>8 criteria? Is it discretionary?</p> <p>9 A. It is to a degree discretionary. When<br/>10 someone comes in like that, the HR director would<br/>11 look at the particular job, would examine other<br/>12 jobs in the courthouse that are somewhat similar,<br/>13 and then look at the skill level of the person<br/>14 coming in, does she have a little more experience<br/>15 with -- in another company or somewhere else in<br/>16 the department. So that might put her at a higher<br/>17 level.</p> <p>18 And sometimes you will look and you say,<br/>19 well, we think she should be making X number of<br/>20 dollars a year. That puts her at Range 8, Step 2.<br/>21 Q. Okay.<br/>22 A. So sometimes it can be arbitrary, but<br/>23 it's based on the HR determination of what their<br/>24 skill level is and what level they're coming in.</p> | <p>Page 300</p> <p>1 Q. Is there any written document that the<br/>2 county has regarding how ranges are assigned for<br/>3 an exempt employee?<br/>4 A. Not that I'm aware of.<br/>5 Q. Okay.<br/>6 So while there may be a procedure in<br/>7 place for certain considerations, such as<br/>8 experience in the field, some other things that<br/>9 you mentioned, those things are procedurally how<br/>10 the county acts, along with some discretion --<br/>11 discretion by the HR office to assign a range to<br/>12 an exempt employee?<br/>13 A. Correct.<br/>14 Q. Okay.<br/>15 How about the step, where does the<br/>16 step -- how does that getting assigned?<br/>17 A. It would -- that would be decided on<br/>18 what the final salary -- what the final hourly<br/>19 rate would be. If you're on Range 8, Step 2 and<br/>20 you say, well, this person we think should be on a<br/>21 Step 4, that's a little bit higher of a salary.<br/>22 Q. So for instance, if an employee -- and a<br/>23 new applicant is applying for a position, just<br/>24 because they are a new applicant, they are not</p> |

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| <p style="text-align: right;">Page 301</p> <p>1 automatically assigned Step 1; am I understanding</p> <p>2 you correctly?</p> <p>3 A. Sometimes they should be, yeah. They --</p> <p>4 they are when -- they should start at Step 1. But</p> <p>5 if they come in with some different skill levels,</p> <p>6 we may move them up.</p> <p>7 Q. So -- so not all new employees must be</p> <p>8 assigned to Step 1; am I understanding you</p> <p>9 correctly?</p> <p>10 A. They are not necessarily all assigned</p> <p>11 Step 1.</p> <p>12 Q. Okay.</p> <p>13 And their step -- the step level that</p> <p>14 they are assigned is somewhat discretionary; as</p> <p>15 I'm understanding you?</p> <p>16 A. Yes.</p> <p>17 Q. And is also impacted, somewhat as I'm</p> <p>18 understanding you, by their experience in the</p> <p>19 field?</p> <p>20 A. Yes.</p> <p>21 Q. Okay.</p> <p>22 And is there any written policy that the</p> <p>23 county has regarding the assignment of step</p> <p>24 numbers or levels to a --</p>                                                                                                                                                                                                   | <p style="text-align: right;">Page 303</p> <p>1 hourly, it can be \$26.7365.</p> <p>2 Q. But is there one number in that box of</p> <p>3 the two meeting access?</p> <p>4 A. Yes.</p> <p>5 Q. Not like this -- somewhere in between</p> <p>6 this and then county then has discretion to --</p> <p>7 A. I don't think so, no.</p> <p>8 Q. Okay.</p> <p>9 A. That's why you go up to the next step.</p> <p>10 Q. Right.</p> <p>11 Because that's why there's a finite</p> <p>12 number and if you think they should make more, you</p> <p>13 move them up a step or up a range, right?</p> <p>14 A. Right.</p> <p>15 Q. Or down if that would be appropriate,</p> <p>16 correct?</p> <p>17 A. Yes.</p> <p>18 Q. Okay.</p> <p>19 But this step and range access document,</p> <p>20 it's a physical document that the county</p> <p>21 maintains, correct?</p> <p>22 A. Yes.</p> <p>23 Q. Is it updated, like, yearly or --</p> <p>24 because, like for instance, if it was created in</p> |
| <p style="text-align: right;">Page 302</p> <p>1 A. A written policy, no.</p> <p>2 Q. Okay.</p> <p>3 So pretty much step and range, sound</p> <p>4 like their conducted and the assignment is</p> <p>5 conducted in the same manner, discretionary with</p> <p>6 some factors such as experience?</p> <p>7 A. Yes. Looking at other people -- other</p> <p>8 skill levels in the county, what they're getting</p> <p>9 paid, what their step and range are. And so if</p> <p>10 someone is coming in with a lower skill level you</p> <p>11 don't -- and they're a Step 6, you don't want to</p> <p>12 bring this person in at a Step 8 if they don't</p> <p>13 have the same skill level.</p> <p>14 Q. Okay.</p> <p>15 A. It's a bit arbitrary, I understand what</p> <p>16 you're saying.</p> <p>17 Q. But this access, the two lines with the</p> <p>18 numbers that you match up and find a range or a</p> <p>19 salary, is it a range -- when you match up the</p> <p>20 access, the box which they overlap at, is it a</p> <p>21 range like 20,000 to 30,000 or is it a -- a finite</p> <p>22 number like 30,000?</p> <p>23 A. No. It can be anywhere in between. It</p> <p>24 could be \$30,267. And you can get -- if it's</p> | <p style="text-align: right;">Page 304</p> <p>1 1980 and the range and step still have a set</p> <p>2 number of a salary, that's going to be a lot</p> <p>3 different of what the cost of living is versus</p> <p>4 now. Is it updated?</p> <p>5 A. One would hope, but I don't -- well,</p> <p>6 know it has to be because I know what some of the</p> <p>7 numbers are on there, but I don't know when it</p> <p>8 gets updated.</p> <p>9 Q. Who updates it?</p> <p>10 A. In HR.</p> <p>11 Q. Okay.</p> <p>12 But there is a physical document?</p> <p>13 A. Yes.</p> <p>14 MS. SMITH: Okay. Just take a</p> <p>15 couple-minute break. I think I'm pretty much</p> <p>16 done, so...</p> <p>17 VIDEOGRAPHER: The time is now</p> <p>18 3:14 p.m. and we're going off the record.</p> <p>19 - - -</p> <p>20 (Whereupon brief recess was held off the</p> <p>21 record.)</p> <p>22 - - -</p> <p>23 VIDEOGRAPHER: The time is now</p> <p>24 3:24 p.m. and we are back on the record.</p> |

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| <p>Page 305</p> <p>1 BY MS. SMITH:</p> <p>2 Q. All right.</p> <p>3 Mr. Bender, so during the break you did</p> <p>4 inform me that you did want to supplement one of</p> <p>5 your answers, so you can go ahead and do that.</p> <p>6 A. Yeah. I just wanted -- on that -- on</p> <p>7 that range, there's a step zero that everybody is</p> <p>8 supposed to start at. But, again, it all depends</p> <p>9 on the skill level they're coming in at and if our</p> <p>10 row officer comes down, she's always beating us</p> <p>11 about coming up maybe to a Step 1.</p> <p>12 Q. Okay.</p> <p>13 So Step 0 and then do you know what the</p> <p>14 highest step range is?</p> <p>15 A. I do not.</p> <p>16 Q. Okay.</p> <p>17 What about range, where does range</p> <p>18 start, is it a 0 or a 1?</p> <p>19 A. No. Range 1.</p> <p>20 Q. Okay.</p> <p>21 A. And that would go up to, maybe, Range</p> <p>22 15.</p> <p>23 Q. Okay.</p> <p>24 So there's no Range 0?</p> | <p>Page 307</p> <p>1 timing when Boots Hetherington became a county</p> <p>2 commissioner?</p> <p>3 A. Probably around March the 2nd. I would</p> <p>4 say it was about two weeks, around the 14th -- it</p> <p>5 was two weeks before the 20th, because he was only</p> <p>6 in office two weeks.</p> <p>7 Q. Of May?</p> <p>8 A. Of may of 2020.</p> <p>9 Q. So to the extent Mr. Hetherington had a</p> <p>10 cell phone that was county-issued at the time of</p> <p>11 notice of any claim, would it be your best belief</p> <p>12 that it was about a two-week period that he had</p> <p>13 that phone, if -- if at all?</p> <p>14 A. I'm not sure when he acquired it. He</p> <p>15 didn't have a county cell phone at first. He got</p> <p>16 one later -- a little bit later on.</p> <p>17 Q. Okay.</p> <p>18 Ms. Smith asked you about a -- what I</p> <p>19 will call an organizational chart for the county.</p> <p>20 And you indicated that there may be on that is</p> <p>21 slightly different, either today or then what that</p> <p>22 looked like. Can you identify what those</p> <p>23 difference are?</p> <p>24 A. Well, just the one on the tax claim.</p>                                                                                      |
| <p>Page 306</p> <p>1 A. No.</p> <p>2 Q. Okay. All right.</p> <p>3 MS. SMITH: With that, I don't have</p> <p>4 any further questions for you, Mr. Bender. I</p> <p>5 think, just for the record, off -- during the</p> <p>6 break, Mr. Lees and Mr. Geiger and Ms. Wynkoop</p> <p>7 said that guys don't have any questions for your</p> <p>8 client, correct?</p> <p>9 MR. LEES: That is correct, no</p> <p>10 questions.</p> <p>11 MR. GEIGER: Yes, no questions.</p> <p>12 MS. WYNKOOP: No questions.</p> <p>13 MS. SMITH: So then that leaves</p> <p>14 Marie.</p> <p>15 MS. JONES: I just have a couple of</p> <p>16 follow and I am sure my voice will get me very far</p> <p>17 today.</p> <p>18 But, Paul, it wasn't a rave, it was</p> <p>19 a really fabulous wedding.</p> <p>20 - - -</p> <p>21 Examination</p> <p>22 - - -</p> <p>23 BY MS. JONES:</p> <p>24 Q. Can -- can you identify, Mr. Bender, the</p>                                                     | <p>Page 308</p> <p>1 But if you looked at her -- the job descriptions</p> <p>2 that get printed out for the tax claim they report</p> <p>3 to the county administrator.</p> <p>4 Q. And what was the issue on how it looked</p> <p>5 on the organizational chart?</p> <p>6 A. Well, when Bob Fritzman was here, Bob</p> <p>7 Fritzman was a -- one of the assistant county</p> <p>8 solicitors. And at one point, he was head of tax</p> <p>9 claim and so the, I guess, moved tax claim under</p> <p>10 solicitor. But in his role as the tax claim</p> <p>11 director, he would have reported it to the county</p> <p>12 administrator, but not in as role as the</p> <p>13 solicitor.</p> <p>14 Q. Okay. Thank you.</p> <p>15 A. Me, being Gary Bender, the</p> <p>16 administrator, but not the county.</p> <p>17 Q. While there may not, from your earlier</p> <p>18 testimony, have been a written policy on the</p> <p>19 process for conducting investigations on</p> <p>20 complaints of discrimination or harassment, was</p> <p>21 there a practice at the county about what an</p> <p>22 employee should do to make a complaint, and then</p> <p>23 if so, what would happen with that complaint?</p> <p>24 A. Yes. And if there are complaints of any</p> |



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| <p style="text-align: right;">Page 309</p> <p>1 nature, that should go to the immediate</p> <p>2 supervisor. If not resolved, then it goes to the</p> <p>3 department head and it goes to HR. There's --</p> <p>4 there's certainly a chain of command as complaints</p> <p>5 move up the system. Say, if you say -- if you</p> <p>6 have an employee complaining about a supervisor,</p> <p>7 then he would go to the director, I could see, and</p> <p>8 then it goes to the HR director.</p> <p>9 Q. And by extension, if there was a</p> <p>10 complaint about the director or a higher-level</p> <p>11 person, who would expect employees to go to with a</p> <p>12 complaint?</p> <p>13 A. They would either go to the HR director</p> <p>14 or they would come to me.</p> <p>15 Q. As county administrator?</p> <p>16 A. Yes, as county administrator.</p> <p>17 Q. I think you clarified this, but with</p> <p>18 respect to the May 2020 report of Jane Doe 1, was</p> <p>19 there, in fact, an investigation conducted?</p> <p>20 A. Yes.</p> <p>21 Q. Okay.</p> <p>22 And is that the matter that was</p> <p>23 described involving Ms. Twigg and you and a number</p> <p>24 of interviews?</p> | <p style="text-align: right;">Page 311</p> <p>1 to retaliation to them, there were not specific</p> <p>2 investigations with interviews on every instance,</p> <p>3 were there?</p> <p>4 A. No.</p> <p>5 Q. I think you did identify some responses</p> <p>6 that you were aware of. I think one I recall was</p> <p>7 you said Mr. Marshall even responded?</p> <p>8 A. Yes.</p> <p>9 Q. But were you aware, for example, that</p> <p>10 Ms. Zula also responded to some e-mails to them?</p> <p>11 A. Yes.</p> <p>12 Q. You described what you called kind of</p> <p>13 educational counseling or educational warnings.</p> <p>14 What would you characterize in terms of an</p> <p>15 educational warning or a verbal warning for the</p> <p>16 matter in which Jane Doe 3 and Jane Doe 4 sought</p> <p>17 to meet with the commissioners about their</p> <p>18 concerns in dealing with the county administrator?</p> <p>19 A. What was my response to the</p> <p>20 commissioners?</p> <p>21 Q. What -- what was your understanding of</p> <p>22 the county's response to that?</p> <p>23 A. That they should not have a meeting</p> <p>24 without the county administrator present.</p>                     |
| <p style="text-align: right;">Page 310</p> <p>1 A. Yes.</p> <p>2 Q. Okay. Thank you.</p> <p>3 You were asked questions about whether</p> <p>4 Jane Doe 3 or Jane Doe 4 made any complaints about</p> <p>5 discrimination, harassment, or retaliation. Are</p> <p>6 you aware that Jane Doe 4 and Jane Doe 3</p> <p>7 repeatedly issued e-mails to people about</p> <p>8 operational issues that they may have referred to</p> <p>9 as there -- as being based in their belief, on a</p> <p>10 retaliatory basis?</p> <p>11 A. Just about every e-mail had that on it.</p> <p>12 Q. And are you aware of whether responses</p> <p>13 to those e-mails were issued?</p> <p>14 MS. SMITH: I am going to object to</p> <p>15 the form.</p> <p>16 BY MS. JONES:</p> <p>17 Q. You can answer.</p> <p>18 A. Initially no. And then I likely to</p> <p>19 start that the county is not and will not</p> <p>20 retaliate.</p> <p>21 Q. But for every e-mail that came and</p> <p>22 included a claim at the bottom or in the content</p> <p>23 that they didn't like how something was going at</p> <p>24 the county and, therefore, they made a connection</p>                                                     | <p style="text-align: right;">Page 312</p> <p>1 Q. And did you understand a meeting</p> <p>2 occurred?</p> <p>3 A. Yes.</p> <p>4 Q. Would you characterize that in the</p> <p>5 category of an educational session like you've</p> <p>6 described earlier, as opposed to a formal verbal</p> <p>7 warning of any kind?</p> <p>8 A. To me.</p> <p>9 Q. No. To Jane Doe 3 and Jane Doe 4?</p> <p>10 A. Yes.</p> <p>11 Q. And -- and were these educational</p> <p>12 discussions or sessions in part because the</p> <p>13 supervisor might communicate with an employee on a</p> <p>14 more regular basis than, say, HR or someone at a</p> <p>15 higher level, and so that the employee could be</p> <p>16 made aware when something happens as to whether</p> <p>17 the supervisor thought it was good or bad?</p> <p>18 A. Sure. Everybody makes mistake and</p> <p>19 everybody needs to have maybe some guidance</p> <p>20 sometimes. So if a department head doesn't</p> <p>21 necessarily want to let it -- let it rise to the</p> <p>22 level of an official warning, they just -- some</p> <p>23 people are sheepish and they don't want to give</p> <p>24 warnings. And that can sometimes lead to a</p> |



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| <p>Page 313</p> <p>1 confusion down the road if the behavior continues.</p> <p>2 Q. You were asked questions by Ms. Smith</p> <p>3 about criticisms that may have been issued about</p> <p>4 various people. And I think in one instance or</p> <p>5 two you identified criticisms that members of the</p> <p>6 public may have made at public meetings.</p> <p>7 A. Yes.</p> <p>8 Q. Are members of the public at virtually</p> <p>9 all the commissioners' meetings?</p> <p>10 A. They have been for quite sometime.</p> <p>11 Q. And in that capacity, do members of the</p> <p>12 public make criticisms about a lot of the public</p> <p>13 officials?</p> <p>14 A. Yes.</p> <p>15 Q. Are those kinds of criticisms identified</p> <p>16 as a complaint that the county believes the HR</p> <p>17 department has to investigate?</p> <p>18 A. No. Most of them are derogatory and the</p> <p>19 commissioners don't have the backbone to -- I</p> <p>20 chastise my commissioners all the time. They</p> <p>21 allow people that work under me to be denigrated</p> <p>22 at these meetings. That's not fair. It's not</p> <p>23 right.</p> <p>24 Q. So -- so the criticisms that you</p>           | <p>Page 315</p> <p>1 what takes place when you log on to that. The</p> <p>2 first thing you're required to do is take the</p> <p>3 training. So on the training it tells you to set</p> <p>4 up users. You set up administrator and then you</p> <p>5 set up users. And the administrator then dictates</p> <p>6 what the user may or may not access.</p> <p>7 Q. So is it your understanding that any of</p> <p>8 the departments that you described that had</p> <p>9 availability to use LexisNexis in the county,</p> <p>10 would have had to have that training by</p> <p>11 LexisNexis?</p> <p>12 A. Yes. And if you go onto the site, there</p> <p>13 are opportunities for further training are there</p> <p>14 on that site.</p> <p>15 Q. So when Ms. Smith was asking questions</p> <p>16 about LexisNexis training to Jane Doe 3 or Jane</p> <p>17 Doe 4, based at least in part on your own personal</p> <p>18 use of that process, the training that you said</p> <p>19 you went through, is it your understanding that</p> <p>20 each of those two would have had to have received</p> <p>21 the training because they were able to log on and</p> <p>22 access the system?</p> <p>23 A. I would think so, yes.</p> <p>24 Q. Okay.</p> |
| <p>Page 314</p> <p>1 describe or the lack of criticisms that you</p> <p>2 described to Ms. Smith were based on the county</p> <p>3 management or the county leadership criticizing or</p> <p>4 not criticizing when you answered those questions,</p> <p>5 versus the public, for example?</p> <p>6 A. Could you repeat that again? I didn't</p> <p>7 hear you.</p> <p>8 Q. Yeah. It was kind of a confusing</p> <p>9 question.</p> <p>10 So you -- you answered that in many</p> <p>11 instances, there were no criticizing -- criticisms</p> <p>12 of some of these people, either the plaintiffs or</p> <p>13 the defendants. And -- and those answers were</p> <p>14 based on the county criticizing, as opposed to</p> <p>15 some member of the public.</p> <p>16 A. Okay. Yeah.</p> <p>17 Q. Okay.</p> <p>18 You were -- you were asked some</p> <p>19 questions about LexisNexis. What is your</p> <p>20 understanding of who was trained on LexisNexis?</p> <p>21 A. My understanding that certainly Jane Doe</p> <p>22 3 and Jane Doe 4 took the training. When you get</p> <p>23 on the LexisNexis -- and I did have access to it</p> <p>24 after all this happened, because I want to see</p> | <p>Page 316</p> <p>1 And did the training describe the</p> <p>2 appropriate uses or the -- the nature of the uses</p> <p>3 of the system?</p> <p>4 A. Not -- no, not to that degree. What --</p> <p>5 what they -- I took that to mean, you -- you set</p> <p>6 up an administrator and a user and what the</p> <p>7 administrator sets up the parameter of what the</p> <p>8 user can see, that means that everybody shouldn't</p> <p>9 see everything.</p> <p>10 Q. Okay.</p> <p>11 So by having restrictions on who can see</p> <p>12 what in its system, it's -- is it your</p> <p>13 understanding that that was how any particular</p> <p>14 department would limb who can access --</p> <p>15 A. Yes.</p> <p>16 Q. -- this system?</p> <p>17 A. Yes.</p> <p>18 Q. Okay.</p> <p>19 So I can understand the tax collector</p> <p>20 area of inquiry that we heard earlier. Is a tax</p> <p>21 collector a municipal, not a county position?</p> <p>22 A. That is correct.</p> <p>23 Q. And so in the case of Heather</p> <p>24 Matascavage, she worked at the county as an</p>                                                                                                                                                                  |

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| <p>Page 317</p> <p>1 employee, but she held a separate position as an<br/>2 elected official in some municipality in which she<br/>3 lived?<br/>4 A. And the school district.<br/>5 Q. I'm sorry. The school district in which<br/>6 she lived?<br/>7 A. Yes.<br/>8 Q. Okay.<br/>9 And the county -- do you -- do you<br/>10 believe the county can prevent somebody from<br/>11 running for office as a tax collector in their<br/>12 municipality?<br/>13 A. I do not think so, no.<br/>14 Q. So they're not being paid as a county<br/>15 employee when they receive funds as a tax<br/>16 collector, are they?<br/>17 A. It is my opinion that they are not,<br/>18 because they also receive money from the<br/>19 municipality and from the school district, many<br/>20 schools, not all the districts.<br/>21 Q. I think you said that the office they<br/>22 have is either their own paid office or their<br/>23 home, but it's not a county office?<br/>24 A. Correct. In Porter Township, we allow</p>                                                                                                                                                                       | <p>Page 319</p> <p>1 and step to change their income or salary?<br/>2 A. That -- that's an interesting point,<br/>3 because it is not used that way. When you start<br/>4 at the county, let's say you start as a clerk and<br/>5 you remain a clerk, you basically get a 3 percent<br/>6 raise each year. But there's -- the only other<br/>7 avenue for you, a lot of times, is to become a<br/>8 clerk -- you have to start as a Clerk 2, to try<br/>9 and get to a Clerk 3 position.<br/>10 It's very difficult in the county to<br/>11 make more money outside of assuming a<br/>12 responsibility. So if you're a Clerk 1, you will<br/>13 tend to get those raises.<br/>14 You, you know, I've always viewed that,<br/>15 that range and step has -- so if you had<br/>16 progressive incentive raises from time to time,<br/>17 that you could go up a step or two, that's not<br/>18 what happens.<br/>19 Q. Okay.<br/>20 A. Most of the time. And sometimes they<br/>21 do, they will come in, oh, this person has taken<br/>22 on more responsibilities, I like to see them get a<br/>23 raise. That has to be reviewed and then what HR<br/>24 does, we look at -- HR would look at what they're</p> |
| <p>Page 318</p> <p>1 our tax collector to use the township building on<br/>2 a Saturday if she wants to collect taxes. She's<br/>3 used that from time -- not all time. And then she<br/>4 has an office at her own home.<br/>5 Q. Okay.<br/>6 With respect to the video evidence, to<br/>7 the extent the county was made aware by any of the<br/>8 plaintiffs of an incident, is it your<br/>9 understanding that the extent to which there might<br/>10 be video of that area was reviewed with the<br/>11 assistance of the sheriff's department?<br/>12 A. Yes.<br/>13 Q. And if that was reviewed and there was<br/>14 nothing on the video to reflect information<br/>15 connected to the complaint, is it your<br/>16 understanding that that's why video evidence may<br/>17 or may not have been retained?<br/>18 A. Correct.<br/>19 Q. And, finally, so I understand the access<br/>20 issue a little better, it's like a chart, if I'm<br/>21 not misunderstanding this, where it kind of has an<br/>22 L and the initial hire is where the first decision<br/>23 has to be made on where someone is placed. But<br/>24 once they're placed, do they then follow a range</p> | <p>Page 320</p> <p>1 doing versus watching the job. Is it -- is it --<br/>2 is it more work or is it higher-level work?<br/>3 There's a difference. And just for more work,<br/>4 that maybe doesn't cut it sometimes. But<br/>5 higher-level work certainly does.<br/>6 Q. And how does that play in with a<br/>7 collective bargaining agreement that might exist?<br/>8 A. Yes.<br/>9 Q. How does it play in? Like, how -- does<br/>10 the -- does the union agreement dictate how that<br/>11 chart is utilized in any way?<br/>12 A. Their are start rates in the union that<br/>13 are separate from that grid, that range of step.<br/>14 Q. Okay.<br/>15 A. These are also for non -- for non -- or<br/>16 for exempt employees.<br/>17 Q. Okay.<br/>18 A. For non-union non-exempt employees.<br/>19 Q. Okay.<br/>20 A. And so union has the start rate. You<br/>21 come in that office and on the ASFCME union,<br/>22 here's the starting rate. And so you go up from<br/>23 there. And sometimes they say after six months,<br/>24 you get an increase. After a year you get an</p>                                                                                                                  |

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| <p style="text-align: right;">Page 321</p> <p>1 increase. Maybe up to three years, I think in the</p> <p>2 clerk of courts office after three years you get</p> <p>3 an increase.</p> <p>4 But outside of that, it's very difficult</p> <p>5 to -- to get raise rates. It's -- it's a problem</p> <p>6 we face at that county all the time.</p> <p>7 Q. I think you testified there was no</p> <p>8 formal evaluation process at the county whereby</p> <p>9 every employee got an evaluation on a certain</p> <p>10 increment of time?</p> <p>11 A. That is true, we do not.</p> <p>12 Q. Is there a less formal method whereby</p> <p>13 department heads may evaluate their employees for</p> <p>14 things like you've just described, trying to</p> <p>15 determine if because they're a good employee, they</p> <p>16 can get paid more?</p> <p>17 A. Yes. So what you do is -- like I have</p> <p>18 one going on with -- with my chief clerk. My</p> <p>19 chief clerk when she came on board had a certain</p> <p>20 level she had to do. She's taken a lot more</p> <p>21 responsibilities, and so I'd like to get her a</p> <p>22 higher salary. That's a very difficult thing to</p> <p>23 do, even for me, at the county because</p> <p>24 commissioners are hard on that. But she has put</p> | <p style="text-align: right;">Page 323</p> <p>1 THE WITNESS: That's a long answer</p> <p>2 to it, it only required a short answer. Sorry.</p> <p>3 MS. JONES: That's all right.</p> <p>4 Thank you very much.</p> <p>5 MS. SMITH: I don't have any</p> <p>6 further questions based on that.</p> <p>7 VIDEOGRAPHER: The time is now</p> <p>8 3:44 p.m. and we're going off the record.</p> <p>9 - - -</p> <p>10 (Whereupon, deposition concluded at 3:44</p> <p>11 p.m.)</p> <p>12 - - -</p> |
| <p style="text-align: right;">Page 322</p> <p>1 in a lot of extra time, not only just time, but</p> <p>2 different skill levels of work.</p> <p>3 Q. So do department heads have some ability</p> <p>4 to advocate for their employees --</p> <p>5 A. Yes.</p> <p>6 Q. -- within the system? Okay.</p> <p>7 A. And we just went through a top down at</p> <p>8 senior services or children and youth, I'm sorry,</p> <p>9 that they were -- we were losing a lot of people</p> <p>10 down at children and youth, and not just us,</p> <p>11 statewide. So we instituted an intensive pay or a</p> <p>12 retention bonus for them to try to keep employees.</p> <p>13 It's a struggle, not just for counties, for</p> <p>14 everybody right now. And so my goal and in our</p> <p>15 last contract, is to start raising the base rates.</p> <p>16 I think sometimes -- if I am getting wordy, just</p> <p>17 stop me.</p> <p>18 You're -- you're -- the people that do</p> <p>19 union contracts are generally long-term people and</p> <p>20 they have less concern about the base rate than</p> <p>21 they do about something that's going to effect</p> <p>22 them. So we're trying.</p> <p>23 MS. JONES: That's all the</p> <p>24 questions I have.</p>                                                 |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                              |

## C E R T I F I C A T I O N

I, COLEEN TRIFUN, RPR and Notary Public,  
do hereby certify that the foregoing is a true and  
accurate transcript of the stenographic notes  
taken by me in the aforementioned matter.

- - -

DATE :

\_\_\_\_\_  
COLEEN TRIFUN, RPR

# EXHIBIT

## P5



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|                     |   |                                 |
|---------------------|---|---------------------------------|
| JANE DOE, et al.,   | : | UNITED STATES DISTRICT COURT    |
| Plaintiff           | : | MIDDLE DISTRICT OF PENNSYLVANIA |
| v.                  | : |                                 |
| SCHUYLKILL COUNTY   | : | CIVIL DOCKET NO:                |
| COURTHOUSE, et al., | : | 3:21-CV-00477                   |
| Defendants          | : |                                 |

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VOLUME I

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TRANSCRIPT MARKED CONFIDENTIAL

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VIDEOTAPE DEPOSITION OF HEIDI ZULA taken  
at the U.S. Attorney's Office, Middle District of  
Pennsylvania, 228 Walnut Street, Harrisburg,  
Pennsylvania 17108 on Wednesday, October 19, 2022 at  
9:16 a.m. before Coleen Trifun, RPR and Notary  
Public.

## A P P E A R A N C E S :

DEREK SMITH LAW GROUP, PLLC  
BY: CATHERINE SMITH, ESQUIRE  
1835 Market Street  
Suite 2950  
Philadelphia, Pennsylvania 19103  
catherine@dereksmith.com  
Counsel for the Plaintiff

DEPARTMENT OF JUSTICE  
CIVIL RIGHTS DIVISION  
BY: AMBER FOX, ESQUIRE  
ALLAN TOWNSEND, ESQUIRE  
150 M St. NE Room 9.932  
Washington, District of Columbia 20002  
amber.fox@usdoj.gov  
allan.townsend@usdoj.gov  
Counsel for the Plaintiffs

NEWMAN WILLIAM, P.C.  
BY: GERARD J. GEIGER, ESQUIRE  
P.O. BOX 511  
712 Monroe Street  
Stroudsburg, Pennsylvania 18360  
ggeiger@newmanwilliams.com  
Counsel for George Halcovage

MCNERNEY PAGE VANDERLIN & HALL  
BY: NICOLE IPPOLITO, ESQUIRE  
433 Market Street  
Williamsport, Pennsylvania 17701  
nippolito@mpvhlaw.com  
Counsel for Glenn Roth

JONES PASSODELIS  
MARIA N. PIPAK, ESQUIRE  
Gulf Tower, Suite 3410  
707 Grant Street  
Pittsburgh, Pennsylvania 15219  
mpipak@jonespassodelis.com  
Counsel for Gary Bender and Heidi Zula

DICKIE MCCAMEY  
BY: PAUL G. LEES, ESQUIRE  
190 Brodhead Road, Suite 310  
Bethlehem, Pennsylvania 18017  
plees@dmclaw.com  
Counsel for additional parties

ALSO PRESENT:  
ALYSSA DEBISE, PARALEGAL  
JANE DOE 1  
JANE DOE 3  
JANE DOE 4(via Zoom)  
GEORGE HALCOVAGE

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CONFIDENTIAL

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|-------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| <p>Page 8</p> <p>1 THE COURT REPORTER: Would you like</p> <p>2 a copy of the transcript?</p> <p>3 MS. IPPOLITO: Yes.</p> <p>4 MS. PIPAK: Yes, for the county</p> <p>5 defendants.</p> <p>6 MR. LEES: I'm not going to order.</p> <p>7 MR. GEIGER: I'll have one in ASCII</p> <p>8 format.</p> <p>9 MS. FOX: Yes.</p> <p>10 VIDEOGRAPHER: We are now on the</p> <p>11 record. My name is Alecia Katz of Everest Court</p> <p>12 Reporting. The date today is October 19, 2022,</p> <p>13 and the time is approximately 9:16 a.m. This</p> <p>14 deposition is located at 228 Walnut Street in</p> <p>15 Harrisburg, Pennsylvania. The caption in the case</p> <p>16 is Jane Doe et al versus Schuylkill County</p> <p>17 Courthouse et al.</p> <p>18 The name of the witness is Heidi</p> <p>19 Zula. At this time, will the attorneys identify</p> <p>20 themselves, the parties they represent, and after</p> <p>21 which our court reporter, Coleen Trifun, will</p> <p>22 swear in the witness and we can proceed.</p> <p>23 MS. SMITH: On behalf of the</p> <p>24 plaintiffs, Jane Doe through Jane Doe Four,</p>         | <p>Page 10</p> <p>1 and privilege only, correct?</p> <p>2 (All parties agreed.)</p> <p>3 - - -</p> <p>4 HEIDI ZULA, having been first duly sworn,</p> <p>5 was examined and testified as follows:</p> <p>6 - - -</p> <p>7 Examination</p> <p>8 - - -</p> <p>9 BY MS. SMITH:</p> <p>10 Q. Good morning, Ms. Zula. As you know, my</p> <p>11 name is Catherine Smith and I represent the</p> <p>12 plaintiffs in this matter. I am going to go</p> <p>13 through some instructions here at the beginning</p> <p>14 and ask you some questions.</p> <p>15 Have you spoken with your attorney</p> <p>16 regarding the procedures for the taking of your</p> <p>17 deposition?</p> <p>18 MS. PIPAK: Objection.</p> <p>19 BY MS. SMITH:</p> <p>20 Q. I am just asking if -- not the contents</p> <p>21 of the conversation, just have you spoken with</p> <p>22 your attorney?</p> <p>23 A. Yes.</p> <p>24 Q. Okay.</p>                                                                                                                                                                                                                        |
| <p>Page 9</p> <p>1 Catherine Smith from the Derek Smith Law Group.</p> <p>2 And present in the room are plaintiffs Jane Doe 3</p> <p>3 and Plaintiff Jane Doe 4. Appearing by Zoom is</p> <p>4 plaintiff Jane Doe 1. Also present on behalf of</p> <p>5 the Derrick Smith Law Group is my paralegal Alyssa</p> <p>6 DeBise.</p> <p>7 MS. FOX: Amber Fox, plaintiff</p> <p>8 intervener, United States Department of Justice.</p> <p>9 MS. TOWNSEND: Allen Townsend, also</p> <p>10 with the Department of Justice.</p> <p>11 MS. PIPAK: Maria Pipak for the</p> <p>12 witness Heidi Zula, Gary Bender, and the county.</p> <p>13 MR. LEES: Paul Lees for defendant</p> <p>14 Kutzler.</p> <p>15 MR. GEIGER: Gerry Geiger here for</p> <p>16 Defendant Halcovage and also Mr. Halcovage is</p> <p>17 present with me.</p> <p>18 MS. IPPOLITO: Nicole Ippolito for</p> <p>19 Defendant Glen Roth.</p> <p>20 MS. SMITH: And, Counsel, there's a</p> <p>21 stipulation that this transcript in its entirety</p> <p>22 will be marked confidential.</p> <p>23 (All parties agreed.)</p> <p>24 MS. SMITH: Objections as to form</p> | <p>Page 11</p> <p>1 And you understand that you've now been</p> <p>2 placed under oath and that you have an obligation</p> <p>3 to testify truthfully?</p> <p>4 A. Yes.</p> <p>5 Q. You understand that even though we are</p> <p>6 in an informal conference room, that your</p> <p>7 testimony has the same force and effect as if</p> <p>8 you're testifying in a court of law before a judge</p> <p>9 or a jury?</p> <p>10 A. Yes.</p> <p>11 Q. You understand that the court reporter</p> <p>12 to your left is going to be taking everything that</p> <p>13 is said down during the deposition and your</p> <p>14 testimony will later be transcribed?</p> <p>15 A. Yes.</p> <p>16 Q. Do you understand that the court</p> <p>17 reporter cannot transcribe inaudible responses</p> <p>18 such as the nod of a head, and therefore, you must</p> <p>19 make audible responses?</p> <p>20 A. Yes.</p> <p>21 Q. Do you understand that you should wait</p> <p>22 for the complete question to be asked before</p> <p>23 responding and I similarly will wait for you to</p> <p>24 completely answer the question before I ask my</p> |

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| <p>Page 12</p> <p>1 next?</p> <p>2 A. Yes.</p> <p>3 Q. If you do not understand a question or</p> <p>4 if you think it was ambiguous, please let me know</p> <p>5 and I will rephrase the question.</p> <p>6 Do you understand?</p> <p>7 A. Yes.</p> <p>8 Q. Do you agree that if you do not</p> <p>9 otherwise indicate, I will assume that you've</p> <p>10 understood my question?</p> <p>11 A. Yes.</p> <p>12 Q. If at any time you realize that an</p> <p>13 answer given earlier in your deposition was</p> <p>14 inaccurate or incomplete, please let me know that</p> <p>15 you wish to correct or supplement your answer.</p> <p>16 Do you understand?</p> <p>17 A. Yes.</p> <p>18 Q. If you do not know or remember the</p> <p>19 information necessary to answer a question, please</p> <p>20 let me know. I may ask you to generalize if you</p> <p>21 can give me a year or a month, but if you don't</p> <p>22 know a specific date, please don't guess.</p> <p>23 Do you understand that?</p> <p>24 A. Yes.</p> | <p>Page 14</p> <p>1 Plaintiff Jane Doe One if I refer to Jane Doe 1?</p> <p>2 A. Yes.</p> <p>3 Q. Okay.</p> <p>4 And Jane Doe 2 or Jane Doe 2, that I am</p> <p>5 referring to Jane Doe 2 or Jane Doe Three -- or</p> <p>6 I'm sorry -- Jane Doe Four -- sorry -- Jane Doe</p> <p>7 Two. I can't get this right. Jane Doe Two?</p> <p>8 A. Yes.</p> <p>9 Q. Okay.</p> <p>10 And Jane Doe 4 or Jane Doe 4, that I am</p> <p>11 referring to Ms. Jane Doe 4, Jane Doe Four?</p> <p>12 A. Yes.</p> <p>13 Q. And Ms. Jane Doe 3 or Jane Doe 3, that I</p> <p>14 am referring to Jane Doe Three?</p> <p>15 A. Yes.</p> <p>16 Q. Okay.</p> <p>17 And when I refer to the county, I am</p> <p>18 referring to defendant Schuylkill County.</p> <p>19 Do you understand that?</p> <p>20 A. Yes.</p> <p>21 Q. Ms. Zula, your employment with</p> <p>22 Schuylkill County began on January 11, 2021,</p> <p>23 correct?</p> <p>24 A. Yes.</p>                                       |
| <p>Page 13</p> <p>1 Q. Have you recently consumed any</p> <p>2 medication, alcohol, or any other substance which</p> <p>3 impairs your ability to understand and testify</p> <p>4 truthfully here today?</p> <p>5 A. No.</p> <p>6 Q. Is there any reason that you can think</p> <p>7 of that renders you unable -- unable to testify</p> <p>8 truthfully here today?</p> <p>9 A. No.</p> <p>10 Q. If at any time you need a break, please</p> <p>11 let me know. The only requirement I have or</p> <p>12 request I have is that you answer any question</p> <p>13 posed to you and then we'll take a break.</p> <p>14 Do you understand?</p> <p>15 A. Yes.</p> <p>16 Q. Have you understood the instructions?</p> <p>17 A. Yes.</p> <p>18 Q. Do you have any questions?</p> <p>19 A. No.</p> <p>20 Q. All right.</p> <p>21 Ms. Zula, periodically throughout the</p> <p>22 deposition I may be referring to individuals by</p> <p>23 names, Jane Doe 1 or Jane Doe 1.</p> <p>24 Do you understand that I'm referring to</p>   | <p>Page 15</p> <p>1 Q. And periodically throughout the</p> <p>2 deposition I will be marking exhibits. I will</p> <p>3 provide you with a copy, as well as others with</p> <p>4 copies.</p> <p>5 - - -</p> <p>6 ( marked as Exhibit for</p> <p>7 identification.)</p> <p>8 - - -</p> <p>9 MS. SMITH: This is going to be</p> <p>10 Zula-24, Exhibit 30 -- I mean 86, but Zula-24.</p> <p>11 BY MS. SMITH:</p> <p>12 Q. When I reference the Zula or others,</p> <p>13 it's this number down the bottom. It's just what</p> <p>14 we've marked it for identification purposes.</p> <p>15 So I'm going to ask if you recognize</p> <p>16 this document?</p> <p>17 A. Yes.</p> <p>18 Q. This is what's called a personal action</p> <p>19 request form for the county?</p> <p>20 A. Yes, that's correct.</p> <p>21 Q. And it's commonly referred to as a PAR?</p> <p>22 A. Yes.</p> <p>23 Q. Who can complete a PAR?</p> <p>24 A. The PARs can be completed typically by</p> |

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| <p>Page 16</p> <p>1 the supervisor.</p> <p>2 Q. Anyone else?</p> <p>3 A. They can be completed by HR or anyone in</p> <p>4 the chain of command typically.</p> <p>5 Q. And this is a PAR completed by Defendant</p> <p>6 Gary Bender, who at the time it was completed, was</p> <p>7 county administrator, correct?</p> <p>8 A. Yes.</p> <p>9 Q. And it was created November on 13, 2020,</p> <p>10 correct?</p> <p>11 A. Yes.</p> <p>12 Q. Had you applied to the county for</p> <p>13 employment before November 13, 2020?</p> <p>14 A. Yes.</p> <p>15 Q. And there's a section for -- it's called</p> <p>16 recommend -- recommended status.</p> <p>17 Do you see that about the middle?</p> <p>18 A. Yes.</p> <p>19 Q. And there's full time, part time,</p> <p>20 temporary, or per diem?</p> <p>21 A. Yes.</p> <p>22 Q. Who makes that selection?</p> <p>23 A. Whoever is completing the form.</p> <p>24 Q. And then there's exempt or non-exempt.</p> | <p>Page 18</p> <p>1 BY MS. SMITH:</p> <p>2 Q. On the top right of this form there's</p> <p>3 two stamps, one is approved by the commissioners</p> <p>4 and one is approved by the salary board.</p> <p>5 Do you see those?</p> <p>6 A. Yes.</p> <p>7 Q. This is when your actual appointment to</p> <p>8 the position was voted on by the commissioners,</p> <p>9 correct?</p> <p>10 A. Yes.</p> <p>11 Q. Prior to -- and that would be</p> <p>12 December 9, 2020, which is when their stamp is,</p> <p>13 correct?</p> <p>14 A. Yes.</p> <p>15 Q. Were you placed on an agenda for a vote</p> <p>16 prior to December 9, 2020?</p> <p>17 A. Yes.</p> <p>18 Q. Do you remember when that was?</p> <p>19 A. It was the end of November of 2020. I</p> <p>20 don't remember the exact date.</p> <p>21 Q. Okay.</p> <p>22 But do you remember -- so there's -- as</p> <p>23 they are listed on the county's website, there's</p> <p>24 commissioners meetings and executive sessions,</p> |
| <p>Page 17</p> <p>1 Do you see that?</p> <p>2 A. Yes.</p> <p>3 Q. Who completes that portion?</p> <p>4 A. Whoever is completing the form.</p> <p>5 Q. Down the bottom there's a section for</p> <p>6 human resources recommendation.</p> <p>7 Do you see that?</p> <p>8 A. Yes.</p> <p>9 Q. And on this part, it circled approved</p> <p>10 and it looks like there's initials DWK or</p> <p>11 something along those lines.</p> <p>12 Do you see that?</p> <p>13 A. Yes.</p> <p>14 Q. Do you know whose initials those are?</p> <p>15 A. They're Doreen Kutzler's.</p> <p>16 Q. She was the interim human resources</p> <p>17 director at the time, correct?</p> <p>18 A. Yes.</p> <p>19 Q. Do you know what county policy or</p> <p>20 procedure is if the disapproved selection is</p> <p>21 circled in that portion of the PAR?</p> <p>22 A. No.</p> <p>23 MS. PIPAK: Objection.</p> <p>24 You're good.</p>                                              | <p>Page 19</p> <p>1 correct?</p> <p>2 A. No.</p> <p>3 Q. There's commissioner's meetings and work</p> <p>4 sessions; is that what it is?</p> <p>5 A. Yes.</p> <p>6 Q. Okay.</p> <p>7 Do you remember if the one that you were</p> <p>8 initially placed on the agenda for was a work</p> <p>9 session or a commissioner's meeting?</p> <p>10 A. I don't recall.</p> <p>11 Q. Do you remember if it was October 24,</p> <p>12 2020?</p> <p>13 A. I don't recall the exact date.</p> <p>14 Q. Defendant Halcovage was a commission on</p> <p>15 December 9, 2020, correct?</p> <p>16 A. Yes.</p> <p>17 Q. Do you know if he voted on your</p> <p>18 appointment to the position of human resources</p> <p>19 director?</p> <p>20 A. I'm not exactly certain of the vote.</p> <p>21 Q. There's -- we talked about the stamp of</p> <p>22 the salary board. It's the same date and the vote</p> <p>23 on your salary was done on December 9, 2020,</p> <p>24 correct?</p>                   |



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| <p>Page 20</p> <p>1 A. Yes.</p> <p>2 Q. Do you know who determined your salary</p> <p>3 of 79,000?</p> <p>4 A. No.</p> <p>5 Q. Did you have any discussions with anyone</p> <p>6 prior to your offer of employment regarding your</p> <p>7 salary?</p> <p>8 A. Yes.</p> <p>9 Q. With whom?</p> <p>10 A. Doreen Kutzler is the person that I</p> <p>11 dealt with.</p> <p>12 Q. Any other discussions with anyone else</p> <p>13 regarding your salary amount?</p> <p>14 A. No.</p> <p>15 Q. Was that the initial salary that was</p> <p>16 offered to you or did you negotiate?</p> <p>17 A. I negotiated.</p> <p>18 Q. Okay.</p> <p>19 What was the initial salary that was</p> <p>20 offered to you?</p> <p>21 A. I don't exactly recall. I don't -- I</p> <p>22 don't exactly recall what it was.</p> <p>23 Q. And those negotiations were with Doreen</p> <p>24 Kutzler?</p>                                                                                                                                                | <p>Page 22</p> <p>1 commissioners?</p> <p>2 A. No. Doreen Kutzler was there, Gary</p> <p>3 Bender, and the commissioners.</p> <p>4 Q. All three commissioners?</p> <p>5 A. Mr. Hess, I believe, was on the phone.</p> <p>6 Q. Okay.</p> <p>7 A. He was present for the interview, but he</p> <p>8 was not present physically.</p> <p>9 Q. Okay.</p> <p>10 A. He was on the phone.</p> <p>11 Q. Understood.</p> <p>12 When, if you recall, did this -- let's</p> <p>13 start with the first one. When did that take</p> <p>14 place?</p> <p>15 A. That one happened at the end of</p> <p>16 September in 2020.</p> <p>17 Q. And then when did the second interview</p> <p>18 with the commissioners present take place?</p> <p>19 A. I don't exactly recall. I believe it</p> <p>20 was in the end of October of 2020.</p> <p>21 Q. Did they both occur at the same</p> <p>22 location?</p> <p>23 A. Yes.</p> <p>24 Q. At the courthouse?</p> |
| <p>Page 21</p> <p>1 A. Yes.</p> <p>2 Q. Okay.</p> <p>3 How did you learn of the position of the</p> <p>4 human resources director with the county?</p> <p>5 A. It was an Indeed posting.</p> <p>6 Q. Did anyone alert you to it or did you</p> <p>7 just come across it on your own?</p> <p>8 A. No, I came across it on my own.</p> <p>9 Q. Did you interview with anyone prior to</p> <p>10 being offered the position?</p> <p>11 A. Yes.</p> <p>12 Q. Who?</p> <p>13 A. It was Doreen Kutzler was in my</p> <p>14 interview, Gary Bender, I believe Lisa Mahall, and</p> <p>15 Elaine Gilbert were a part of the interview panel.</p> <p>16 Q. And it was one interview with all of</p> <p>17 them?</p> <p>18 A. I did one initial interview and then I</p> <p>19 had to come back with a second-round interview,</p> <p>20 and that included the commissioners.</p> <p>21 Q. So the first interview round was the</p> <p>22 individuals you just named?</p> <p>23 A. Yes.</p> <p>24 Q. The second one was just with the</p> | <p>Page 23</p> <p>1 A. Yes.</p> <p>2 Q. Prior to interviewing, did you know</p> <p>3 Defendant Halcovage?</p> <p>4 A. No.</p> <p>5 Q. Prior to interviewing, did you know Gary</p> <p>6 Bender?</p> <p>7 A. No. Well, let me just say, I knew of</p> <p>8 George Halcovage. And did not know of Gary</p> <p>9 Bender.</p> <p>10 Q. Okay.</p> <p>11 A. And I did not know them personally.</p> <p>12 Q. Did you fill out an employment</p> <p>13 application?</p> <p>14 A. Yes.</p> <p>15 Q. Do you recall when?</p> <p>16 A. I don't recall the exact date, no. I</p> <p>17 believe it was in September, sometime, of 2020.</p> <p>18 Q. Do you believe a copy of your</p> <p>19 application is maintained in your personnel file?</p> <p>20 A. Yes.</p> <p>21 MS. SMITH: Going to mark this</p> <p>22 Exhibit 87.</p> <p>23 - - -</p> <p>24 (Zula-13 marked as Exhibit-87 for</p>                                                           |

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| <p>1 identification.)</p> <p>2 ---</p> <p>3 MS. SMITH: Zula 13.</p> <p>4 BY MS. SMITH:</p> <p>5 Q. Ms. Zula, do you recognize this</p> <p>6 document?</p> <p>7 A. No.</p> <p>8 Q. You didn't complete this?</p> <p>9 A. No.</p> <p>10 Q. Have you ever seen this type of new hire</p> <p>11 checklist?</p> <p>12 A. No.</p> <p>13 Q. This indicates your employment</p> <p>14 application was received 9/17/2020.</p> <p>15 Does that sound about right?</p> <p>16 A. Yes.</p> <p>17 Q. So you've never utilized this type of</p> <p>18 form with new hires with the county?</p> <p>19 A. I did not hire handle the new hire</p> <p>20 paperwork when I worked at the county, so, no, I</p> <p>21 did not utilize this form.</p> <p>22 Q. So in your entire employment with the</p> <p>23 county, you never handled any new hire paperwork?</p> <p>24 A. No. I'm not saying that, but I'm saying</p>                                                                                             | <p>Page 24</p> <p>1 ---</p> <p>2 BY MS. SMITH:</p> <p>3 Q. Do you recognize this document?</p> <p>4 A. Yes.</p> <p>5 Q. Did you receive this letter from then</p> <p>6 interim director Heidi Zula -- I'm sorry -- Doreen</p> <p>7 Kutzler on or about November 12, 2020?</p> <p>8 A. Yes.</p> <p>9 Q. And this letter indicates that you would</p> <p>10 report to Defendant Gary Bender, county</p> <p>11 administrator?</p> <p>12 A. Yes.</p> <p>13 Q. And that was your -- it was your</p> <p>14 understanding that Mr. Bender was your direct</p> <p>15 supervisor, correct?</p> <p>16 A. Yes.</p> <p>17 Q. This letter indicates that the position</p> <p>18 offered to you was a full-time exempt position,</p> <p>19 correct?</p> <p>20 A. Yes.</p> <p>21 Q. If we look back and -- I'm sorry I</p> <p>22 forgot. Okay, I'll ask you to refer back to</p> <p>23 exhibits. Your PAR indicates a full-time</p> <p>24 non-exempt position.</p>                                                   |
| <p>1 that I did not use this checklist.</p> <p>2 Q. Okay.</p> <p>3 So you have done new hire paperwork with</p> <p>4 new hires, but in doing so, you have not utilized</p> <p>5 this form?</p> <p>6 MS. PIPAK: Objection.</p> <p>7 You can answer.</p> <p>8 THE WITNESS: I was not -- I did</p> <p>9 not do it. I have assisted doing new hire</p> <p>10 paperwork when one of the staff members in HR was</p> <p>11 not available, but that was not part of my regular</p> <p>12 course of business and I did not compile personnel</p> <p>13 files or do the checklists at all. I didn't even</p> <p>14 know this existed.</p> <p>15 BY MS. SMITH:</p> <p>16 Q. Okay.</p> <p>17 Who, during your employment, was tasked</p> <p>18 with compiling new hire documents?</p> <p>19 A. Ann Craft, the administrative assistant</p> <p>20 in the HR office.</p> <p>21 MS. SMITH: Look at Zula 35 and 36.</p> <p>22 ---</p> <p>23 (Zula 35-36 marked as Exhibit-88 for</p> <p>24 identification.)</p> | <p>Page 25</p> <p>1 Do you know why that is?</p> <p>2 A. I do not know.</p> <p>3 Q. Were you exempt or non-exempt?</p> <p>4 A. I was -- I was exempt.</p> <p>5 Q. Okay.</p> <p>6 If we look -- sorry -- back to the one</p> <p>7 in front of you, there are -- if you look to the</p> <p>8 top of Page 2, which is Zula 36, the first portion</p> <p>9 of that states: This job offer is contingent upon</p> <p>10 the following and it has passing a drug test and</p> <p>11 physical exam, satisfactory reference checks, and</p> <p>12 execution of an employment non-complete</p> <p>13 confidentiality agreement.</p> <p>14 Do you see that?</p> <p>15 A. Yes.</p> <p>16 Q. Did you understand that these were the</p> <p>17 only three things upon which your job offer was</p> <p>18 contingent?</p> <p>19 A. Yes.</p> <p>20 Q. You can put that one aside.</p> <p>21 MS. SMITH: Zula 23. Exhibit 89.</p> <p>22 ---</p> <p>23 (Zula 23 marked as Exhibit-89 for</p> <p>24 identification.)</p> |
|                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                  | <p>Page 26</p> <p>Page 27</p>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                         |

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| <p>Page 28</p> <p>1                   - - -</p> <p>2 BY MS. SMITH:</p> <p>3 Q.     Do you recognize this document?</p> <p>4 A.     Yes.</p> <p>5 Q.     Did you receive this letter from interim</p> <p>6 director Doreen Kutzler on or about December 11th?</p> <p>7 A.     Yes.</p> <p>8 Q.     Do you know why you received this letter</p> <p>9 if you had received another offer letter on</p> <p>10 November 12, 2020?</p> <p>11           MS. PIPAK: Objection.</p> <p>12           Go ahead, you can answer.</p> <p>13           THE WITNESS: This is the standard</p> <p>14 letter that's given to every, I think, county</p> <p>15 employee when they start when you go through your</p> <p>16 new -- you're pre-orientation paperwork. This</p> <p>17 was -- Exhibit-88 was the letter that I requested</p> <p>18 to confirm my conditions of employment upon my</p> <p>19 acceptance of the offer.</p> <p>20 BY MS. SMITH:</p> <p>21 Q.     Okay.</p> <p>22           So 88 was something sent to you at your</p> <p>23 request?</p> <p>24 A.     Yes.</p>                       | <p>Page 30</p> <p>1 submitted to the county?</p> <p>2 A.     Yes, that's correct.</p> <p>3 Q.     Is this different than the application</p> <p>4 for employment that you submitted?</p> <p>5 A.     I don't recall what my application of</p> <p>6 employment said, but it would have been based upon</p> <p>7 my resume.</p> <p>8 Q.     So I guess my question is: It was a</p> <p>9 different form, right, it wasn't just your resume</p> <p>10 that was given in?</p> <p>11 A.     When I applied, I applied through --</p> <p>12 directly through Indeed, and so I submitted my</p> <p>13 resume through Indeed. I don't recall if I</p> <p>14 actually filled out the county paper application</p> <p>15 or not. That I don't recall. But when I applied</p> <p>16 for the position, it was directly through Indeed,</p> <p>17 through the submission of my resume.</p> <p>18 Q.     Is everything in this document true and</p> <p>19 correct?</p> <p>20 A.     Yes.</p> <p>21 Q.     If we look to the position you held</p> <p>22 right before the county, it was Middletown Area</p> <p>23 School District; is that correct?</p> <p>24 A.     Yes.</p> |
| <p>Page 29</p> <p>1 Q.     Okay.</p> <p>2           And then 89, as I understand your</p> <p>3 testimony and correct me if I'm wrong, was given</p> <p>4 to you during, like, your initial orientation new</p> <p>5 hire documents?</p> <p>6 A.     Yes. When you come in to go -- prior to</p> <p>7 going to do your drug test and physical screening,</p> <p>8 you would come into the HR office, sign off on</p> <p>9 paperwork to include the releases and things, to</p> <p>10 go get your drug test and physical. And then this</p> <p>11 document 80 -- that's marked as 89, was also</p> <p>12 provided as well as a confirmation of salary.</p> <p>13 Q.     Okay.</p> <p>14           MS. SMITH: Zula 37 and 38, it's</p> <p>15 going to be marked as Exhibit-90.</p> <p>16           - - -</p> <p>17           (Zula 37-38 marked as Exhibit-90 for</p> <p>18 identification.)</p> <p>19           - - -</p> <p>20 BY MS. SMITH:</p> <p>21 Q.     Ms. Zula, do you recognize this</p> <p>22 document?</p> <p>23 A.     Yes.</p> <p>24 Q.     And this is your resume that was</p> | <p>Page 31</p> <p>1 Q.     And why did you leave Middletown Area</p> <p>2 School District?</p> <p>3 A.     To take the position at the county.</p> <p>4 Q.     Why did you want a different position?</p> <p>5 A.     I -- Based upon my family circumstances,</p> <p>6 I was looking for a position closer to home.</p> <p>7 Q.     At your time at Middletown Area School</p> <p>8 District, were you subject in any disciplinary</p> <p>9 action?</p> <p>10 A.     No.</p> <p>11 Q.     Before that you held a job at the</p> <p>12 Pennsylvania Department of Corrections; is that</p> <p>13 correct?</p> <p>14 A.     Yes.</p> <p>15 Q.     Were you subject to any disciplinary</p> <p>16 action there?</p> <p>17 A.     No.</p> <p>18 Q.     Why did you leave the Department of</p> <p>19 Corrections to go to Middletown?</p> <p>20 A.     It was a better opportunity.</p> <p>21 Q.     And prior to that you worked at the</p> <p>22 Pennsylvania Board of Probation and Parole?</p> <p>23 A.     Yes.</p> <p>24 Q.     Any disciplinary action there?</p>                                                                                             |

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| <p>Page 32</p> <p>1 A. No.</p> <p>2 Q. And we have before that, the</p> <p>3 Pennsylvania Board of Probation and Parole in a</p> <p>4 different position, correct?</p> <p>5 A. Yes.</p> <p>6 Q. Any disciplinary action in that</p> <p>7 position?</p> <p>8 A. No.</p> <p>9 Q. And then finally right before that was</p> <p>10 the Pennsylvania Department of Banking.</p> <p>11 Any disciplinary action there?</p> <p>12 A. No.</p> <p>13 MS. SMITH: This is Zula 25, marked</p> <p>14 as Exhibit-91.</p> <p>15 ---</p> <p>16 (Zula-25 marked as Exhibit-91 for</p> <p>17 identification.)</p> <p>18 ---</p> <p>19 BY MS. SMITH:</p> <p>20 Q. Do you recognize this document?</p> <p>21 A. Yes.</p> <p>22 Q. You signed this consent to background</p> <p>23 check and reference on December 11, 2020, correct?</p> <p>24 A. Yes.</p>                                                                                                                                                                                             | <p>Page 34</p> <p>1 A. The background check that's completed is</p> <p>2 a check of the -- it's an online check and I don't</p> <p>3 know -- it's the municipal system where you go in</p> <p>4 and put the name and do searches for criminal,</p> <p>5 like, docket reports, things like that. That's</p> <p>6 the background investigation that's completed.</p> <p>7 And to my knowledge, that was not done until after</p> <p>8 I signed this form.</p> <p>9 Q. Right.</p> <p>10 So you hadn't yet given them consent?</p> <p>11 A. Correct.</p> <p>12 Q. Okay.</p> <p>13 But if we look back to the PAR, that was</p> <p>14 voted on on December 9, 2020, correct? And you</p> <p>15 can look back if you need to. It's Exhibit --</p> <p>16 A. Yes.</p> <p>17 Q. Okay.</p> <p>18 So the commissioners voted on your, I</p> <p>19 guess, qualifications or they're confident in you</p> <p>20 in the position without having had your background</p> <p>21 check; would you agree?</p> <p>22 MS. PIPAK: Objection to form.</p> <p>23 But you can answer.</p> <p>24 THE WITNESS: Yes. My background</p> |
| <p>Page 33</p> <p>1 Q. Is the consent to background and</p> <p>2 reference check something that every new hire with</p> <p>3 the county signs?</p> <p>4 A. Yes.</p> <p>5 Q. Do you know, does that include elected</p> <p>6 officials?</p> <p>7 A. That I don't know.</p> <p>8 Q. Do you know what happens or what the</p> <p>9 process or policy is if a background check comes</p> <p>10 back with an issue, a conviction or something that</p> <p>11 would cause concern?</p> <p>12 MS. PIPAK: Objection.</p> <p>13 You can answer.</p> <p>14 THE WITNESS: It happened, I</p> <p>15 believe, one time during my employment and I</p> <p>16 discussed it with my supervisor, Gary Bender, to</p> <p>17 determine if we would continue with the offer or</p> <p>18 not.</p> <p>19 BY MS. SMITH:</p> <p>20 Q. So let me make sure I have the timing</p> <p>21 correct.</p> <p>22 Well, based off this, this was signed</p> <p>23 12/11/22. So your background check was not</p> <p>24 conducted until after that date, correct?</p> | <p>Page 35</p> <p>1 check, I can tell you, they did check --</p> <p>2 references were checked prior to my hire, prior to</p> <p>3 the offer being made.</p> <p>4 BY MS. SMITH:</p> <p>5 Q. So when you say hire, because there's a</p> <p>6 date of PAR is completed, a date it's voted on,</p> <p>7 and a date you actually start. So when you say</p> <p>8 date of hire, which of those three dates are you</p> <p>9 referring to?</p> <p>10 A. The date of the offer.</p> <p>11 Q. I'm sorry. Just remember --</p> <p>12 A. The date --</p> <p>13 Q. No. No. No.</p> <p>14 A. Sorry. The date of the offer would have</p> <p>15 been the November 12th. I do know that Ms.</p> <p>16 Kutzler did do a reference check with my existing</p> <p>17 supervisor at the school district prior to that</p> <p>18 offer letter coming to me.</p> <p>19 Q. The reason I pointed and had you</p> <p>20 pause --</p> <p>21 A. Yup. Sorry.</p> <p>22 Q. Just remember she has to take both of us</p> <p>23 down.</p> <p>24 A. I apologize.</p>                                                                      |

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| <p>Page 36</p> <p>1 Q. You'll get it by the end of it. Just<br/>2 let me finish my question before you start<br/>3 answering.<br/>4 A. I apologize.<br/>5 Q. You're okay.<br/>6 You're going to anticipate my questions,<br/>7 so try and remember that.<br/>8 But -- so -- so your references may have<br/>9 been checked prior to the offer letter, but you<br/>10 would agree prior to the commissioners vote, your<br/>11 background check was not done?<br/>12 A. That's correct.<br/>13 Q. Okay.<br/>14 You were describing the location of,<br/>15 like, the backgrounds checks of, like, the website<br/>16 of the municipal search.<br/>17 Do you know, is that the docket sheets for<br/>18 the State of Pennsylvania?<br/>19 A. Yes.<br/>20 Q. Do you know if background checks outside<br/>21 of the State of Pennsylvania are conducted?<br/>22 A. Not to my knowledge.<br/>23 Q. Then after you -- the commissioners<br/>24 voted and your start date being January 11, 2021,</p>                                                                                                                                                                                        | <p>Page 38</p> <p>1 January 11th, is when the actual new hire<br/>2 paperwork was completed.<br/>3 MS. SMITH: Can mark as Exhibit 92,<br/>4 it's Zula 40 through 42.<br/>5 ---<br/>6 (Zula 40-42 marked as Exhibit-92 for<br/>7 identification.)<br/>8 ---<br/>9 BY MS. SMITH:<br/>10 Q. Do you recognize this document?<br/>11 A. Yes.<br/>12 Q. And in fact, there is some of the dates<br/>13 to the right of your signature are 1/11/2020,<br/>14 which was your start date, correct?<br/>15 A. Yes.<br/>16 Q. There's a couple others that are<br/>17 1/13/20 -- I'm sorry. I think I said 1/11/2020.<br/>18 It's 1/11/2021, correct?<br/>19 A. Yes.<br/>20 Q. And then there are some that are<br/>21 1/13/2021?<br/>22 A. Yes.<br/>23 Q. And you signed and dated each of -- next<br/>24 to each of these policies and procedures at the</p> |
| <p>Page 37</p> <p>1 you did complete new hire paperwork, correct?<br/>2 A. Yes.<br/>3 Q. Do you recall what paperwork?<br/>4 A. It would have been a -- like an<br/>5 information sheet, like personal demographic<br/>6 information, the W-4 form, the I-9 form, the sign<br/>7 off on policies and procedures, the local services<br/>8 tax form for the -- to determine where you live,<br/>9 where your taxes should come out of. I believe<br/>10 there was retirement paperwork that was completed,<br/>11 and new hire benefits paperwork.<br/>12 Q. When did you complete this paperwork?<br/>13 A. That I -- I don't exactly recall the<br/>14 exact date. It would have been -- I believe it<br/>15 was sometime in December of 2020.<br/>16 Q. And do you recall where you were?<br/>17 A. I completed it in the HR office.<br/>18 Q. Do you recall with whom or who gave it<br/>19 to you?<br/>20 A. And Craft met with me initially to go<br/>21 over the initial paperwork and then I -- I met<br/>22 with Elaine Fucci. And actually, that would have<br/>23 been -- now that I think about it -- that would<br/>24 have been completed my first day of employment,</p> | <p>Page 39</p> <p>1 county, correct?<br/>2 A. Yes.<br/>3 Q. And that's because you had received<br/>4 them, read them, and understood them?<br/>5 A. Yes.<br/>6 Q. Do you know who created this form?<br/>7 A. No.<br/>8 Q. Did you ever utilize this form in your<br/>9 position as director of human resources with the<br/>10 county?<br/>11 A. Yes.<br/>12 Q. Is this a form that is to be used for<br/>13 all new hires with the county?<br/>14 A. Yes.<br/>15 Q. Obviously you were coming on as director<br/>16 of human resources, correct?<br/>17 A. Yes.<br/>18 Q. When you received and read the policies,<br/>19 did you believe they were up to date and<br/>20 sufficient?<br/>21 MS. PIPAK: Objection.<br/>22 You can answer.<br/>23 THE WITNESS: No. There were<br/>24 certainly some policies that were outdated and</p>           |



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| <p>Page 40</p> <p>1 could use to be updated that was one of the tasks</p> <p>2 that I was asked to look at.</p> <p>3 BY MS. SMITH:</p> <p>4 Q. Okay.</p> <p>5 Did -- do you remember any specifically</p> <p>6 that you believed were outdated?</p> <p>7 A. I don't recall off the top of my head</p> <p>8 which ones.</p> <p>9 Q. And then at some point during your</p> <p>10 employment, you did revise or suggest revisions to</p> <p>11 any -- to some of these policies?</p> <p>12 A. Yes.</p> <p>13 Q. Are you aware, did each of these listed</p> <p>14 items apply to all county employees?</p> <p>15 A. Yes.</p> <p>16 Q. Do you know, did that apply to elected</p> <p>17 officials?</p> <p>18 A. I would say no, as we're not responsible</p> <p>19 for their -- we have no control over their</p> <p>20 employment because they're not truly employed by</p> <p>21 the county.</p> <p>22 Q. So when a new individual is elected to a</p> <p>23 position, they do not receive these policies?</p> <p>24 A. I don't -- I know because we did not</p>  | <p>Page 42</p> <p>1 - - -</p> <p>2 (Zula 48 marked as Exhibit-93 for</p> <p>3 identification.)</p> <p>4 - - -</p> <p>5 BY MS. SMITH:</p> <p>6 Q. Do you recognize this document?</p> <p>7 A. Yes.</p> <p>8 Q. You signed and dated the receipt of the</p> <p>9 job description for human resources director on</p> <p>10 1/11/2021, correct?</p> <p>11 A. Yes.</p> <p>12 Q. And by signing, you understand that you</p> <p>13 acknowledging that you understood the essential</p> <p>14 job duties and responsibilities required and</p> <p>15 confirmed that you were qualified to perform them?</p> <p>16 A. Yes.</p> <p>17 Q. Does every new employee receive a job</p> <p>18 description when they start with the county?</p> <p>19 A. Yes, they should.</p> <p>20 Q. And are they all required to sign an</p> <p>21 acknowledgment form like this one?</p> <p>22 A. Yes.</p> <p>23 MS. SMITH: Going to look at Zula</p> <p>24 49 to 52, Exhibit-94.</p>                                       |
| <p>Page 41</p> <p>1 hire -- or put it this way, we did not have a new</p> <p>2 elected official come on board when I was at the</p> <p>3 county, so I am not certain what exactly they are</p> <p>4 provided.</p> <p>5 Q. Okay.</p> <p>6 Well, as you were director of human</p> <p>7 resources, had a new individual been elected to a</p> <p>8 position, would you have provided them with these</p> <p>9 policies?</p> <p>10 MS. PIPAK: Objection.</p> <p>11 You can answer if you --</p> <p>12 THE WITNESS: Yes, I would have.</p> <p>13 BY MS. SMITH:</p> <p>14 Q. And you would have asked them to sign</p> <p>15 and date this acknowledgment form?</p> <p>16 A. Yeah. Potentially some of the policy</p> <p>17 would not have applied to them. But, yes, we</p> <p>18 would have provided them with -- I would have</p> <p>19 provided them with the policies if that had</p> <p>20 occurred.</p> <p>21 Q. Did you receive a job description when</p> <p>22 you started with the county?</p> <p>23 A. Yes.</p> <p>24 MS. SMITH: Zula 48, Exhibit-93.</p> | <p>Page 43</p> <p>1 - - -</p> <p>2 (Zula 49-52 marked as Exhibit-94 for</p> <p>3 identification.)</p> <p>4 - - -</p> <p>5 BY MS. SMITH:</p> <p>6 Q. And I'm going to go through some</p> <p>7 specific questions on this document.</p> <p>8 My first one is just going to be</p> <p>9 generally, do you recognize this document?</p> <p>10 A. Yes.</p> <p>11 Q. If we look to the last page of this</p> <p>12 document it indicates a date of November 7 --</p> <p>13 2017, on Zula 52.</p> <p>14 Do you see that?</p> <p>15 A. Yes.</p> <p>16 Q. Is this the job classification</p> <p>17 description for your position of human resources</p> <p>18 director that you received and acknowledged</p> <p>19 receipt of in the last document we looked at?</p> <p>20 A. Yes. I believe so, yes.</p> <p>21 Q. Do you believe that this is a fair and</p> <p>22 accurate representation of your job duties and</p> <p>23 responsibility as the human resources director for</p> <p>24 the county?</p> |

| Page 44                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                | Page 46                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                         |
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| <p>1 A. Yes.</p> <p>2 Q. Is there anything that you were required</p> <p>3 to do or responsible for which is not included in</p> <p>4 here?</p> <p>5 A. No. I believe this accurately reflects</p> <p>6 the responsibilities of the position.</p> <p>7 Q. And everything that's included in this</p> <p>8 description is something for which you were</p> <p>9 responsible for?</p> <p>10 A. Yes.</p> <p>11 Q. There's a section on the first page all</p> <p>12 the way down, essential duties and</p> <p>13 responsibilities.</p> <p>14 Do you see that?</p> <p>15 A. Yes.</p> <p>16 Q. If you look to No. 2, it indicates that</p> <p>17 one of your job duties was analyze organizational</p> <p>18 structure.</p> <p>19 Do you see that?</p> <p>20 A. Yes.</p> <p>21 Q. Did you ever receive an organizational</p> <p>22 structure document while you worked for the</p> <p>23 county?</p> <p>24 A. We did have an organizational chart,</p>                                                                                      | <p>1 Q. Okay.</p> <p>2 If we look back to -- I'm sorry -- the</p> <p>3 Exhibit-94, back under essential duties and</p> <p>4 responsibilities, Paragraph 4, it indicates that</p> <p>5 one of your job duties was to process required</p> <p>6 documents through payroll and insurance providers</p> <p>7 to ensure accurate recordkeeping and proper</p> <p>8 deductions.</p> <p>9 Do you see that?</p> <p>10 A. Yes.</p> <p>11 Q. In layman's terms, does that mean that</p> <p>12 human resources was responsible for payroll?</p> <p>13 MS. PIPAK: Objection.</p> <p>14 THE WITNESS: No.</p> <p>15 BY MS. SMITH:</p> <p>16 Q. Okay.</p> <p>17 What does that --</p> <p>18 MS. PIPAK: You can answer.</p> <p>19 MS. SMITH: Sorry.</p> <p>20 THE WITNESS: No. Payroll was</p> <p>21 processed from the controller's office.</p> <p>22 BY MS. SMITH:</p> <p>23 Q. What does that mean to you?</p> <p>24 A. That we would not -- notify that the</p>                                                                                                                             |
| Page 45                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                | Page 47                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                         |
| <p>1 yes. that was available on the county website.</p> <p>2 Q. Okay.</p> <p>3 Did you ever suggest any revisions to</p> <p>4 it?</p> <p>5 A. Not specific revisions to the</p> <p>6 organizational chart, no.</p> <p>7 Q. Do you believe that the organizational</p> <p>8 structure of the county that existed that you saw,</p> <p>9 was an accurate representation of organizational</p> <p>10 structure?</p> <p>11 A. Yes.</p> <p>12 MS. SMITH: For our tech it's Zula</p> <p>13 2473. For all others, it's previously marked 43.</p> <p>14 (Previously marked exhibit.)</p> <p>15 BY MS. SMITH:</p> <p>16 Q. Ms. Zula, you now have in front of you</p> <p>17 what was previously at a different deposition,</p> <p>18 marked Exhibit-43 or Zula 2473.</p> <p>19 Is this the organizational structure</p> <p>20 that you were just referring to?</p> <p>21 A. Yes. This is the organizational chart</p> <p>22 that's found on the county website, yes.</p> <p>23 Q. And that's as recently as January 2021?</p> <p>24 A. Yes.</p> | <p>1 payroll office, the payroll processor of any</p> <p>2 changes as it related to insurance coverages or</p> <p>3 deductions that needed to be done for employees.</p> <p>4 That was our interaction with the payroll process</p> <p>5 from a benefits perspective.</p> <p>6 Q. Okay.</p> <p>7 So each department within the county</p> <p>8 submits time sheets for their employees, correct?</p> <p>9 A. Yes.</p> <p>10 Q. Do you get submitted to the controllers</p> <p>11 office or to HR?</p> <p>12 A. No, they go directly to the controllers</p> <p>13 office after they are signed off on by the</p> <p>14 supervisor.</p> <p>15 Q. So HR has no oversight in the time</p> <p>16 sheets of employees?</p> <p>17 A. We do -- we do not review them on a</p> <p>18 regular basis, no. There are -- if there's</p> <p>19 questions by the supervisor, we get involved. But</p> <p>20 we do not review every single time sheet on every</p> <p>21 single pay period.</p> <p>22 Q. So are you familiar with the Fair Labor</p> <p>23 Standards Act?</p> <p>24 A. Yes.</p> |

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| <p>Page 48</p> <p>1 Q. And you understand that it requires</p> <p>2 employers to keep accurate records of an</p> <p>3 employee's hours?</p> <p>4 MS. PIPAK: Objection.</p> <p>5 You can answer if you know.</p> <p>6 THE WITNESS: Yes.</p> <p>7 BY MS. SMITH:</p> <p>8 Q. Okay.</p> <p>9 Do you -- is that for the county --</p> <p>10 those records, are they maintained by the controls</p> <p>11 office, the HR office, or something different?</p> <p>12 A. They are maintained by the controllers</p> <p>13 office.</p> <p>14 Q. Does HR have access to those records if</p> <p>15 they need them?</p> <p>16 A. Yes.</p> <p>17 Q. Are they -- the record of hours</p> <p>18 employees worked maintained by any one other than</p> <p>19 the controllers office?</p> <p>20 A. The official record, no. The official</p> <p>21 record is maintained by the controllers office</p> <p>22 because that's what pay is based upon. I don't</p> <p>23 know if supervisors keep records of time sheets or</p> <p>24 not.</p>                                                                                                                          | <p>Page 50</p> <p>1 claims against the county?</p> <p>2 A. No.</p> <p>3 Q. After being offered the job position,</p> <p>4 but before your start date, did you ask or did</p> <p>5 anyone tell you anything about the plaintiff's</p> <p>6 claims?</p> <p>7 A. No.</p> <p>8 Q. When is the first time you learned</p> <p>9 about -- from the county, about the plaintiff's</p> <p>10 ongoing issues with the county?</p> <p>11 MS. PIPAK: Objection.</p> <p>12 To the extent it doesn't involve</p> <p>13 conversations with counsel, you can answer.</p> <p>14 MS. SMITH: Well, when is not a</p> <p>15 context of a conversation. So I'm just asking</p> <p>16 when.</p> <p>17 THE WITNESS: When I came on board,</p> <p>18 probably in January. I was apprized of some of</p> <p>19 the ongoing concerns. I think the first day that</p> <p>20 I was an employee of the county was the first day</p> <p>21 that Jane Doe 1 and Jane Doe 2 came back to work</p> <p>22 at the 410 Building. So Ms. Kutzler informed me,</p> <p>23 kind of, what was going on regarding that issue.</p> <p>24</p>          |
| <p>Page 49</p> <p>1 Q. But there's no third-party payroll</p> <p>2 company for --</p> <p>3 A. No. We do not -- the county did not use</p> <p>4 a third party.</p> <p>5 Q. We may come back to this, but you can</p> <p>6 put 94 aside for now.</p> <p>7 In November of 20 -- well, go back a</p> <p>8 little before that.</p> <p>9 In September of 2020, when you applied</p> <p>10 and you believe you were first interviewed for the</p> <p>11 position, what, if anything, did you know about</p> <p>12 the plaintiff's claims against the county?</p> <p>13 A. The only thing I knew was what was</p> <p>14 written in the newspaper. Based upon those</p> <p>15 articles, that's the only thing I was aware of.</p> <p>16 And truly not much, as I don't really read the</p> <p>17 newspaper often. I just knew that there was</p> <p>18 allegations made and that's it.</p> <p>19 Q. And that was prior to you being hired by</p> <p>20 the county?</p> <p>21 A. Yes.</p> <p>22 Q. When you were interviewed at either the</p> <p>23 first or second, did you ask anyone or was</p> <p>24 anything shared with you about the plaintiff's</p> | <p>Page 51</p> <p>1 BY MS. SMITH:</p> <p>2 Q. Okay.</p> <p>3 So you had conversations with Ms.</p> <p>4 Kutzler about, at least, Jane Doe 1 and Jane Doe</p> <p>5 2?</p> <p>6 A. Yes, as return are their return back to</p> <p>7 work on January 11th, my first day that was...</p> <p>8 Q. Did she, at that point, Ms. Kutzler,</p> <p>9 inform you of any background as to why they were</p> <p>10 being moved to the 410 Building?</p> <p>11 A. Yes, she did.</p> <p>12 Q. Okay.</p> <p>13 Do you remember what she informed you</p> <p>14 of?</p> <p>15 A. I don't recall the exact discussion. I</p> <p>16 know it involved that -- their claims against Mr.</p> <p>17 Halcavage and that they were working from home for</p> <p>18 an extended period of time and that they were now</p> <p>19 being brought back to work and their office was</p> <p>20 being moved so that there would be no interaction</p> <p>21 between Jane Doe 2 and Ms. Kutzler and Mr.</p> <p>22 Halcavage.</p> <p>23 Q. Did Ms. Kutzler at that time explain to</p> <p>24 you how the 410 Building had been selected?</p> |

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| <p>Page 52</p> <p>1 A. No.</p> <p>2 Q. Did she explain to you or discuss with</p> <p>3 you whether the -- any of the plaintiffs were --</p> <p>4 strike that.</p> <p>5 At that point, did you know that Jane</p> <p>6 Doe 3 and Jane Doe 4 had been Jane Doe 1 -- or</p> <p>7 were Jane Doe 1 and Jane Doe 2's supervisors?</p> <p>8 A. Yes, I was made aware of that.</p> <p>9 Q. Did Ms. Kutzler inform you if there had</p> <p>10 been any conversations held about the</p> <p>11 accessibility of the 410 Building?</p> <p>12 A. No.</p> <p>13 Q. Did you ask if this was something that</p> <p>14 was a collective decision?</p> <p>15 A. No, I did not.</p> <p>16 Q. Other than that conversation, can you</p> <p>17 think of any others regarding the plaintiff's</p> <p>18 claims early on in your employment?</p> <p>19 A. As we -- as I progressed through my</p> <p>20 employment and worked with Doreen, there were a</p> <p>21 number of issues that came up, that there was a</p> <p>22 number of, like, allegations made against Mr.</p> <p>23 Halcovage. That as I got more involved in the</p> <p>24 position, I was then made aware of some of the</p>                                             | <p>Page 54</p> <p>1 transitioning the role to your duties to training</p> <p>2 duties, was that during the four months or was the</p> <p>3 four months when she transitioned to training?</p> <p>4 A. That was all inclusive. So the</p> <p>5 transition was probably six weeks maybe.</p> <p>6 Q. Okay.</p> <p>7 A. Somewhere around there and then she</p> <p>8 started working on updating policy and doing</p> <p>9 training for staff.</p> <p>10 Q. And then after about four months or so</p> <p>11 is when she -- her contract or human resources</p> <p>12 contract with the county ended?</p> <p>13 A. I don't know if the contract ended, but</p> <p>14 she no longer was doing work for the county at</p> <p>15 that point.</p> <p>16 Q. Let's talk about the first portion of</p> <p>17 the transition period.</p> <p>18 Was it your primary responsibility or</p> <p>19 Ms. Kutzler's for personnel issues?</p> <p>20 A. I think we dealt with them together. I</p> <p>21 don't think we had one primary over the other. We</p> <p>22 kind of worked together during that time period.</p> <p>23 She obviously had the background knowledge of</p> <p>24 things that have gone on, things that were kind of</p> |
| <p>Page 53</p> <p>1 things that they had indicated during their</p> <p>2 complaint.</p> <p>3 Q. So let's talk about that early time</p> <p>4 period in your employment.</p> <p>5 When you started on January 11, 2021,</p> <p>6 was Ms. Kutzler still a contractor?</p> <p>7 A. Yes.</p> <p>8 Q. Was she -- because she was interim human</p> <p>9 resources director.</p> <p>10 Did her title change when you started?</p> <p>11 A. I don't think it changed immediately. I</p> <p>12 don't think it kind of -- I don't think there was</p> <p>13 anything official to change it immediately. I</p> <p>14 mean, I was the HR director, but she was there for</p> <p>15 pretty much the first fourish months of my</p> <p>16 employment to do transition. There's contract</p> <p>17 negotiations going on, so we did like a transition</p> <p>18 period. And then I kind of, for lack of a better</p> <p>19 term, took over the HR responsibilities and then</p> <p>20 her focus shifted to training her staff.</p> <p>21 Q. And just so I'm clear, you were talking</p> <p>22 about the first four months.</p> <p>23 Was that -- when she transitioned --</p> <p>24 when Ms. Kutzler transitioned from kind of</p> | <p>Page 55</p> <p>1 still in the works. And then I kind of stepped</p> <p>2 in, we worked together on issues, and then I</p> <p>3 transitioned to kind of doing those things on my</p> <p>4 own.</p> <p>5 Q. So for that first four month or so</p> <p>6 period until Ms. Kutzler stopped doing work with</p> <p>7 the county, did you have any access to her</p> <p>8 e-mails?</p> <p>9 A. Not during that time frame, no.</p> <p>10 Q. After she ended her -- or stopped doing</p> <p>11 work with the county, did you then have access to</p> <p>12 her e-mails?</p> <p>13 A. Yes. I think her e-mails were forwarded</p> <p>14 to me when she left her employment.</p> <p>15 Q. So e-mails then moving forward that were</p> <p>16 sent to her or ones that had been sent to her in</p> <p>17 the past?</p> <p>18 A. No, just moving forward.</p> <p>19 Q. So you never, during your employment</p> <p>20 with the county, had any access to her past</p> <p>21 received or sent e-mails?</p> <p>22 A. Not that I can recall, no.</p> <p>23 Q. Okay.</p> <p>24 A. They were forwarded to -- directly to my</p>                                                                                                           |



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| <p>Page 56</p> <p>1 in box. So if she got an e-mail sent to her</p> <p>2 e-mail address, instead of -- like I didn't go</p> <p>3 into her in box, it just forwarded it and it hit</p> <p>4 my in-box.</p> <p>5 Q. The tech division in the county --</p> <p>6 A. Yes. They -- they did that.</p> <p>7 Q. Okay.</p> <p>8 Did you ever have any conversations with</p> <p>9 Defendant Gary Bender about the plaintiff's claims</p> <p>10 against the county?</p> <p>11 A. Yes, we did.</p> <p>12 Q. Do you recall when that was?</p> <p>13 A. I don't exactly recall when the first</p> <p>14 time was, no. I know as we were dealing with</p> <p>15 issues, we would discuss things that had occurred.</p> <p>16 At times he would fill me in some of the kind of</p> <p>17 background. But that was pretty much it. I don't</p> <p>18 specifically recall when any of that occurred or</p> <p>19 what -- what he said.</p> <p>20 Q. What about Defendant Glen Roth, did you</p> <p>21 ever talk with him about the plaintiff's claims?</p> <p>22 MS. PIPAK: Objection.</p> <p>23 To the extent it calls for</p> <p>24 conversations you had with counsel, I'm going to</p> | <p>Page 58</p> <p>1 A. I spoke with them regarding the issues</p> <p>2 that occurred during my tenure of employment. I</p> <p>3 did not go back and speak to them about any of the</p> <p>4 prior issues that occurred, no.</p> <p>5 Q. So from what we just went through with</p> <p>6 each of the defendants, it sounds like as issues</p> <p>7 arose, you gathered information and dealt with it,</p> <p>8 but didn't have any independent conversations</p> <p>9 about the facts of the plaintiff's claims?</p> <p>10 A. Yes, I -- I didn't.</p> <p>11 Q. When you spoke with Defendant Kutzler</p> <p>12 about the claims of -- the plaintiff's claims, was</p> <p>13 she in support of the plaintiffs? Was she -- did</p> <p>14 she feel that they were -- let me strike that.</p> <p>15 Did Ms. Kutzler ever tell you how she</p> <p>16 felt about the plaintiffs or their claims against</p> <p>17 the county?</p> <p>18 A. No, we didn't discuss that.</p> <p>19 Q. Never made any remarks about them?</p> <p>20 A. I guess for clarification, what claims</p> <p>21 are we referring to? I guess that would be my</p> <p>22 question to understand if I'm answering it</p> <p>23 correctly.</p> <p>24 Q. Well, so you understand that the</p> |
| <p>Page 57</p> <p>1 answer -- I am going to advise her not to answer.</p> <p>2 BY MS. SMITH:</p> <p>3 Q. Again, not asking about the contents,</p> <p>4 just did you have any conversations with him?</p> <p>5 A. There were at times, yes, when I did</p> <p>6 have conversations with Glen.</p> <p>7 Q. Do you remember the first time you had a</p> <p>8 conversation with him?</p> <p>9 A. It was probably pretty late in my tenure</p> <p>10 at the county. Well, I shouldn't say late.</p> <p>11 Probably within like mid year 2021, somewhere</p> <p>12 around there.</p> <p>13 Q. So you would say probably after Ms.</p> <p>14 Kutzler's employment, stopped doing work for the</p> <p>15 county?</p> <p>16 A. Potentially, yes.</p> <p>17 Q. About.</p> <p>18 What about Defendant Halcovage, did you</p> <p>19 ever speak with him about the claims against him?</p> <p>20 A. No.</p> <p>21 Q. After you started with the county, did</p> <p>22 you ever speak with the plaintiffs to get an</p> <p>23 understanding of what issues they were dealing</p> <p>24 with or their claims against the county?</p>                                                    | <p>Page 59</p> <p>1 plaintiffs are suing the county because George</p> <p>2 Halcovage sexually assaulted Jane Doe 1, correct?</p> <p>3 A. Yes, I'm aware of that.</p> <p>4 Q. And that they are -- the other three are</p> <p>5 suing the county because George Halcovage sexually</p> <p>6 harassed them?</p> <p>7 A. Okay. So those are the claims we're</p> <p>8 referring to?</p> <p>9 Q. And then that the county failed to act</p> <p>10 appropriately regarding that sexual assault and</p> <p>11 sexual harassment.</p> <p>12 MS. PIPAK: I am just going to</p> <p>13 object to the form.</p> <p>14 But go ahead.</p> <p>15 THE WITNESS: No. Ms. Kutzler and</p> <p>16 I didn't discuss her feelings regarding the claims</p> <p>17 of sexual harassment, no.</p> <p>18 BY MS. SMITH:</p> <p>19 Q. Okay.</p> <p>20 What about retaliation?</p> <p>21 MS. PIPAK: Objection.</p> <p>22 Can you rephrase?</p> <p>23 BY MS. SMITH:</p> <p>24 Q. Did you and Ms. Kutzler ever discuss the</p>                                                                                                                                                                                                                                                        |



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| <p>Page 60</p> <p>1 plaintiff's claims of retaliation?</p> <p>2 A. Yes, we did, based upon, you know, the</p> <p>3 actions that were occurring, we discussed those</p> <p>4 actions, yes.</p> <p>5 Q. And did Ms. Kutzler ever make any</p> <p>6 remarks to you about her feelings regarding those</p> <p>7 claims?</p> <p>8 A. I can't recall.</p> <p>9 Q. What about Mr. Bender, did he ever make</p> <p>10 any comments about how he felt about the</p> <p>11 plaintiffs?</p> <p>12 A. About the plaintiffs?</p> <p>13 Q. Yes.</p> <p>14 A. Can you clarify what you mean about the</p> <p>15 plaintiffs? Like --</p> <p>16 Q. Did he ever say how he felt about any of</p> <p>17 them, whether he hated them, liked them, loved</p> <p>18 them, anything like that?</p> <p>19 A. Mr. Bender did make a -- has made -- has</p> <p>20 made comments that, you know, based upon</p> <p>21 specifically Jane Doe 3's actions towards him,</p> <p>22 that he was, you know, not going to -- based upon</p> <p>23 her failure to communicate with him, he wasn't</p> <p>24 going to communicate with her based upon that.</p> <p>Page 61</p> <p>1 Q. Do you recall when that was?</p> <p>2 A. I don't exactly recall, no.</p> <p>3 Q. Was it in 2021?</p> <p>4 A. Yes, it would have been 2021.</p> <p>5 Q. Was it when Ms. Kutzler was still doing</p> <p>6 work for the county?</p> <p>7 A. That I don't remember.</p> <p>8 Q. In January of 2021, the county revised</p> <p>9 its sexual harassment policy?</p> <p>10 A. I don't recall. I don't believe it was</p> <p>11 in the January, but I don't recall the exact date.</p> <p>12 But, yes, the policy was revised.</p> <p>13 Q. Actually, sorry. Going to go back real</p> <p>14 quick just because I want to check on something</p> <p>15 that we chatted about.</p> <p>16 MS. SMITH: I am going to mark Zula</p> <p>17 817 to 820 as 95.</p> <p>18 ---</p> <p>19 (Zula 817-820 marked as Exhibit-95 for</p> <p>20 identification.)</p> <p>21 ---</p> <p>22 BY MS. SMITH:</p> <p>23 Q. Just because we were just talking about</p> <p>24 it, so I want to keep it fresh in your mind.</p> | <p>Page 62</p> <p>1 We were talking about payroll and time</p> <p>2 sheets. These are the time sheets that employees</p> <p>3 of different departments submit to their</p> <p>4 supervisor, who then signs off on it and submits</p> <p>5 it to the controllers office, correct?</p> <p>6 A. Yes.</p> <p>7 Q. Are these the same time sheets that are</p> <p>8 utilized by every department or does each</p> <p>9 department have its own?</p> <p>10 A. This time sheet is utilized by most</p> <p>11 departments --</p> <p>12 Q. Okay.</p> <p>13 A. -- within the county. I believe the</p> <p>14 prison does something different to report their</p> <p>15 time. I don't -- each employee doesn't submit</p> <p>16 their own time sheet. I'm not sure how it works</p> <p>17 at the prison. But for the vast majority of</p> <p>18 departments, yes, they utilize this time sheet.</p> <p>19 Q. Okay. Perfect. Sorry. I just had that</p> <p>20 question.</p> <p>21 So we were talking about January 2021,</p> <p>22 and the revision to the sexual harassment policy.</p> <p>23 MS. SMITH: Going to mark Zula 46</p> <p>24 as 96.</p> <p>Page 63</p> <p>1 ---</p> <p>2 (Zula 46 marked as Exhibit-96 for</p> <p>3 identification.)</p> <p>4 ---</p> <p>5 BY MS. SMITH:</p> <p>6 Q. Do you recognize this form?</p> <p>7 A. Yes.</p> <p>8 Q. You signed acknowledgment of having</p> <p>9 received, read, and reviewed a copy of the county</p> <p>10 of Schuylkill's anti-harassment and</p> <p>11 non-discrimination policy as revised January of</p> <p>12 2021, correct?</p> <p>13 A. Yes.</p> <p>14 Q. And you signed it on February 23, 2021,</p> <p>15 correct?</p> <p>16 A. Yes.</p> <p>17 Q. Did you, in fact, read, review --</p> <p>18 receive, read, and review a copy of a revised</p> <p>19 policy from 2020 -- January 2021?</p> <p>20 A. I guess it was from January 2021. Yes,</p> <p>21 this was signed after the training that we</p> <p>22 completed.</p> <p>23 Q. Okay. All right.</p> <p>24 If we can look back to Exhibit-92. Yes,</p> |
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| <p>Page 64</p> <p>1 that one, perfect.</p> <p>2 There is no anti-harassment and</p> <p>3 non-discrimination policy on this list, correct?</p> <p>4 A. Correct.</p> <p>5 Q. There is a sexual harassment policy --</p> <p>6 A. Yes.</p> <p>7 Q. -- on No. 50, correct?</p> <p>8 A. Yes. Sorry. Yes.</p> <p>9 Q. I'm sorry, going back to 92.</p> <p>10 The policy that you signed for on 92,</p> <p>11 indicates you received a sexual harassment policy</p> <p>12 and then it has 2015-18, that's the policy number,</p> <p>13 correct?</p> <p>14 A. Yes.</p> <p>15 Q. And then in parenthesis, REV9-13.</p> <p>16 That's when it was last revised, correct?</p> <p>17 A. Yes.</p> <p>18 Q. Okay.</p> <p>19 So when you started, the last revision</p> <p>20 to that policy had been September of 2013,</p> <p>21 correct?</p> <p>22 A. Yes.</p> <p>23 Q. And then after you were hired, there was</p> <p>24 a revision to the policy?</p> <p>Page 65</p> <p>1 A. Yes.</p> <p>2 MS. SMITH: Okay. I apologize if I</p> <p>3 am double marking this. It might have been used</p> <p>4 before, but I'm going to mark it as Exhibit-97.</p> <p>5 It's Schuylkill County, it's SC1254 to 1259.</p> <p>6 ---</p> <p>7 (SC1254-1259 marked as Exhibit-97 for</p> <p>8 identification.)</p> <p>9 ---</p> <p>10 BY MS. SMITH:</p> <p>11 Q. Do you recognize this document?</p> <p>12 A. Yes.</p> <p>13 Q. Okay.</p> <p>14 Just looking quickly back at 92. We</p> <p>15 were talking about the policy number.</p> <p>16 The policy number on 92 has 2015-18.</p> <p>17 The policy number on 97 has 2005-18.</p> <p>18 Do you see that?</p> <p>19 A. Yes.</p> <p>20 Q. Is that just a typo?</p> <p>21 A. I would believe so, yes.</p> <p>22 Q. Okay.</p> <p>23 Because this indicates as -- this being</p> <p>24 97 indicates the sexual harassment policy, as does</p> | <p>Page 66</p> <p>1 No. 50 of 92, correct?</p> <p>2 A. Yes.</p> <p>3 Q. And it's got that revision date of</p> <p>4 September of 2013, correct?</p> <p>5 A. Yes.</p> <p>6 Q. Okay.</p> <p>7 Is it your understanding then that the</p> <p>8 January 2021 anti-harassment and</p> <p>9 non-discrimination policy was a revision to</p> <p>10 Document 97?</p> <p>11 So my question is, so 97 is called</p> <p>12 sexual harassment. You're signing on 96, I</p> <p>13 believe, for an anti-harassment and</p> <p>14 non-discrimination.</p> <p>15 Was part of the revision a name change?</p> <p>16 A. Yes.</p> <p>17 Q. Okay.</p> <p>18 MS. SMITH: We're going to look at</p> <p>19 Zula 237 through 243. 241 is going to be Exhibit</p> <p>20 98.</p> <p>21 ---</p> <p>22 (Zula 237-243 marked as Exhibit-98 for</p> <p>23 identification.)</p> <p>24 ---</p> <p>Page 67</p> <p>1 BY MS. SMITH:</p> <p>2 Q. Do you recognize -- recognize this</p> <p>3 document?</p> <p>4 A. Yes.</p> <p>5 Q. Okay.</p> <p>6 So this has that same policy number,</p> <p>7 2005-18. And this has anti-harassment,</p> <p>8 non-discrimination policy as the name, correct?</p> <p>9 A. Yes.</p> <p>10 Q. This one indicates revised</p> <p>11 February 2021, and then supercedes September 2013.</p> <p>12 Do you see that?</p> <p>13 A. Yes.</p> <p>14 Q. Do you know why this policy does not</p> <p>15 supersede the January 2021 revision?</p> <p>16 A. I don't -- I don't believe there was one</p> <p>17 that was approved in January 2021. I believe that</p> <p>18 this was the first revision to the 2005-18 policy</p> <p>19 that superceded 9/13. I think potentially it was</p> <p>20 going to be on the agenda in January, but it</p> <p>21 wasn't actually approved until February.</p> <p>22 Q. Okay.</p> <p>23 I'm going to represent to you that in</p> <p>24 this document production in this case, that</p> |
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| <p>Page 68</p> <p>1 January 2021 has not been produced.</p> <p>2 So does that sound right to you?</p> <p>3 A. Yeah. I didn't think it was revised in</p> <p>4 January 2021. It may have originally been</p> <p>5 intended to be revised in January 2021, but it</p> <p>6 actually wasn't approved until February.</p> <p>7 Q. Okay.</p> <p>8 Then if we look back at 96, who drafted</p> <p>9 this document?</p> <p>10 A. This document?</p> <p>11 Q. Yup.</p> <p>12 A. This is part of the policy that's in the</p> <p>13 Exhibit-98, that was drafted by Ms. Kutzler.</p> <p>14 Q. Okay.</p> <p>15 And if we look to Page 6 or Zula 242 and</p> <p>16 98, it is that page and it has a January 2021,</p> <p>17 correct?</p> <p>18 A. Yes.</p> <p>19 Q. But this is a February 2021 revision</p> <p>20 that was signed off and approved by the</p> <p>21 commissioners, correct?</p> <p>22 A. Yes.</p> <p>23 Q. Any reason why you didn't tell Ms.</p> <p>24 Kutzler that that January 2021 should be updated?</p>                                                                                                  | <p>Page 70</p> <p>1 Q. After reviewing the revised copy of this</p> <p>2 policy before you, so 98, did you believe it was</p> <p>3 sufficient?</p> <p>4 A. Yes.</p> <p>5 Q. At the time this policy was revised,</p> <p>6 in-person training was held, correct?</p> <p>7 A. After it was revised, yes.</p> <p>8 Q. Okay.</p> <p>9 Did you attend?</p> <p>10 A. Yes.</p> <p>11 Q. Do you recall when?</p> <p>12 A. Based upon my signature on Exhibit-96, I</p> <p>13 would say it was February 23, 2021.</p> <p>14 Q. Okay.</p> <p>15 So based off your testimony, is it your</p> <p>16 recollection that you were provided with a copy</p> <p>17 and asked to sign the acknowledgment form, which</p> <p>18 is Exhibit-96, on the day of your in-person</p> <p>19 training?</p> <p>20 A. Yes.</p> <p>21 Q. Okay.</p> <p>22 Were you provided with any materials --</p> <p>23 A. Yes.</p> <p>24 Q. -- at the training?</p>                                                                                                                                    |
| <p>Page 69</p> <p>1 A. I didn't even see it, honestly.</p> <p>2 Q. These -- the revisions made to the</p> <p>3 September 2013 policy, specifically the -- what</p> <p>4 was the sexual harassment policy, were you</p> <p>5 involved in that?</p> <p>6 A. No. Well, I reviewed -- I read through</p> <p>7 the policy once it was revised, that was it. But</p> <p>8 I did not -- was not involved in the actual</p> <p>9 writing of the revised policy.</p> <p>10 Q. After -- well, strike that.</p> <p>11 When you reviewed the policy, do you</p> <p>12 recall if it was before the commissioners had</p> <p>13 voted on it?</p> <p>14 A. Yes.</p> <p>15 Q. Did you offer any suggestions, changes,</p> <p>16 or critiques?</p> <p>17 A. No, I don't believe I made any changes.</p> <p>18 Q. Do you believe -- strike that.</p> <p>19 Earlier you testified that when you</p> <p>20 received some of the policies on your initial day</p> <p>21 or week of hire, that you thought that there were</p> <p>22 some that could use some revisions.</p> <p>23 Do you recall testifying to that?</p> <p>24 A. Yes.</p> | <p>Page 71</p> <p>1 A. Yes.</p> <p>2 Q. Who conducted the trainings?</p> <p>3 A. They were conducted by Doreen Kutzler</p> <p>4 and I believe for the supervisor trainings, Tom</p> <p>5 Hubert, I guess, is his last name. He also came</p> <p>6 and conducted some of the trainings as well.</p> <p>7 Q. So there were two training sessions, one</p> <p>8 for managers or department heads and one for</p> <p>9 just -- I don't want to call them regular</p> <p>10 employees, but non-managerial staff?</p> <p>11 A. Yes.</p> <p>12 Q. And at the non-managerial staff</p> <p>13 trainings, it was just Doreen Kutzler. And at the</p> <p>14 managerial it was Tom Hubert and Doreen Kutzler?</p> <p>15 A. Yes.</p> <p>16 Q. Which one did you attend?</p> <p>17 A. The managerial one.</p> <p>18 Q. Did you have any involvement with the</p> <p>19 scheduling of employees attendance at the</p> <p>20 training?</p> <p>21 A. No.</p> <p>22 Q. Was it your understanding that training</p> <p>23 was mandatory for all employees?</p> <p>24 A. Yes.</p> |

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| <p style="text-align: right;">Page 72</p> <p>1 Q. Was it your understanding that it was --</p> <p>2 that it was mandatory for elected officials?</p> <p>3 A. Yes.</p> <p>4 MS. SMITH: Going to mark --</p> <p>5 sorry -- Zula 473 to 474 as 99.</p> <p>6 - - -</p> <p>7 (Zula 473-474 marked as Exhibit-99 for</p> <p>8 identification.)</p> <p>9 - - -</p> <p>10 BY MS. SMITH:</p> <p>11 Q. Do you recognize this e-mail?</p> <p>12 A. Yes.</p> <p>13 Q. And the first page is an e-mail from you</p> <p>14 to Defendant Halcovage, correct?</p> <p>15 A. Yes.</p> <p>16 Q. And indicates there's an attachment?</p> <p>17 A. Yes.</p> <p>18 Q. Is the second page, Zula 474 of this</p> <p>19 document, the attachment?</p> <p>20 A. Yes, I believe so.</p> <p>21 Q. Okay.</p> <p>22 Why were you sending a list of attendees</p> <p>23 for the manager training sessions to Defendant</p> <p>24 Halcovage?</p>                                                                                                                                                  | <p style="text-align: right;">Page 74</p> <p>1 A. It was a request made of the elected</p> <p>2 officials to attend the training.</p> <p>3 Q. And what, if anything, would have</p> <p>4 occurred had they refused?</p> <p>5 A. That I don't know.</p> <p>6 Q. Commissioner Halcovage is not listed on</p> <p>7 this document, is he? Or I should say, the second</p> <p>8 Page 474 of this document, because his name is on</p> <p>9 the e-mail, but...</p> <p>10 A. No, I do not see his name.</p> <p>11 Q. Do you know if Mr. -- Defendant</p> <p>12 Halcovage ever attended the manager training</p> <p>13 session in February of 2021?</p> <p>14 A. Yes, I believe he did.</p> <p>15 Q. And were you in the training with him?</p> <p>16 A. I don't recall being in the training</p> <p>17 with him.</p> <p>18 Q. Where does your knowledge come from that</p> <p>19 he was -- he did attend the training?</p> <p>20 A. I think I had a conversation with Doreen</p> <p>21 about it because I had to get the listing from her</p> <p>22 of the manager attendee training and I think she</p> <p>23 then worked with George to schedule him for the</p> <p>24 training, so...</p> |
| <p style="text-align: right;">Page 73</p> <p>1 A. He had questioned who was -- he needed</p> <p>2 to schedule himself for training and he questioned</p> <p>3 who was going to be in what training sessions, as</p> <p>4 he did not want to attend the training sessions</p> <p>5 with Jane Doe 3 and Jane Doe 4.</p> <p>6 Q. There are numerous individuals listed on</p> <p>7 this training session, correct?</p> <p>8 A. Yes.</p> <p>9 Q. Training schedule, I guess I should call</p> <p>10 it.</p> <p>11 It includes Commissioner Hess and</p> <p>12 Commissioner Hetherington, correct? They are --</p> <p>13 Hetherington is on the top right box, it's listed</p> <p>14 as Hetherington.</p> <p>15 Do you see that?</p> <p>16 A. Yes.</p> <p>17 Q. And then Hess is in the middle left box,</p> <p>18 No. 3?</p> <p>19 A. Yes.</p> <p>20 Q. So elected officials were required to</p> <p>21 attend this training?</p> <p>22 A. Yes.</p> <p>23 Q. Are you aware of how the county was able</p> <p>24 to require elected officials attend this training?</p> | <p style="text-align: right;">Page 75</p> <p>1 Q. Okay.</p> <p>2 So you're aware that he was scheduled?</p> <p>3 A. Yes.</p> <p>4 Q. Are you aware that he ever attended?</p> <p>5 A. I believe we got a sign off of his sheet</p> <p>6 that everybody had to turn in. Yes, I do believe</p> <p>7 we did get that.</p> <p>8 MS. SMITH: I am going to mark Zula</p> <p>9 448, 441, and 442. They are out of order, but I</p> <p>10 am going to mark that as 100.</p> <p>11 - - -</p> <p>12 (Zula 448, 441-442 marked as Exhibit-100</p> <p>13 for identification.)</p> <p>14 - - -</p> <p>15 BY MS. SMITH:</p> <p>16 Q. Ms. Zula, do you recognize this chain of</p> <p>17 e-mails?</p> <p>18 A. Yes.</p> <p>19 Q. And they are kind of out of order and</p> <p>20 there is two Page 1s because there is some</p> <p>21 overlapping in order to save pages, I condensed it</p> <p>22 into one.</p> <p>23 If we look at Page 441, the second page,</p> <p>24 Jane Doe 3's e-mail to Defendant Ms. Kutzler,</p>                                                                                                                                                                          |

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| <p>Page 76</p> <p>1 which you're CC'ed on, indicates that the county</p> <p>2 canceled the Friday, February 19, 2021, training.</p> <p>3 Do you see that?</p> <p>4 A. Where does it say that?</p> <p>5 Q. The very last sentence on Page 2, it</p> <p>6 says: The session scheduled for today, which</p> <p>7 she's sending the e-mail -- I'm sorry, I might</p> <p>8 have said February 19th.</p> <p>9 A. Yeah, I was going -- okay. Yes.</p> <p>10 Q. Were canceled by the county and you</p> <p>11 informed me yesterday, Gary Bender is now</p> <p>12 attending the session we are scheduled to attend.</p> <p>13 Do you see that?</p> <p>14 A. Yes.</p> <p>15 Q. The training was canceled due to</p> <p>16 inclement weather, correct?</p> <p>17 A. To my knowledge, yes.</p> <p>18 Q. Did you have any involvement in the</p> <p>19 rescheduling of Defendant Bender's training day?</p> <p>20 A. No, I did not.</p> <p>21 Q. So you never discussed with anyone the</p> <p>22 fact that Jane Doe 3 and Jane Doe 4 were already</p> <p>23 scheduled for that session?</p> <p>24 A. No. I receive a copy of the</p> | <p>Page 78</p> <p>1 schedule them on the same day?</p> <p>2 MS. PIPAK: Objection.</p> <p>3 You can answer.</p> <p>4 THE WITNESS: Ms. Kutzler did work</p> <p>5 with Gary and it was -- he was rescheduled. I</p> <p>6 didn't think there was anything further that I</p> <p>7 would need to do since he was rescheduled for a</p> <p>8 different day.</p> <p>9 BY MS. SMITH:</p> <p>10 Q. But do you -- so I guess the question</p> <p>11 then is: Do you agree with Ms. Kutzler's decision</p> <p>12 that he shouldn't have attended the same day?</p> <p>13 A. Correct, yes.</p> <p>14 MS. SMITH: Okay. Sorry. These</p> <p>15 are large documents, we are not going to go</p> <p>16 through the contents of them, but I just want to</p> <p>17 make sure I understand what they are. I am going</p> <p>18 to mark Zula 55 to 138.</p> <p>19 - - -</p> <p>20 (Zula 55-138 marked as Exhibit-101 for</p> <p>21 identification.)</p> <p>22 - - -</p> <p>23 BY MS. SMITH:</p> <p>24 Q. Do you recognize this document?</p> |
| <p>Page 77</p> <p>1 communications, that was all.</p> <p>2 Q. And you are CC'ed on this chain of</p> <p>3 e-mails, correct?</p> <p>4 A. Yes.</p> <p>5 Q. Did you ever provide your opinion as to</p> <p>6 the fact that Defendant Bender was attending or</p> <p>7 potential being rescheduled to attend a session in</p> <p>8 which Jane Doe 3 and Jane Doe 4 were attending?</p> <p>9 A. No.</p> <p>10 Q. Do you see that as an -- an issue?</p> <p>11 A. I wasn't responsible for the scheduling.</p> <p>12 I didn't handle the scheduling.</p> <p>13 Q. Well, you were the HR director, right?</p> <p>14 A. Yes.</p> <p>15 Q. And you were responsible for personnel</p> <p>16 matters, correct?</p> <p>17 A. Yes.</p> <p>18 Q. Jane Doe 3 and Jane Doe 4's work</p> <p>19 environment would be a personnel matter, correct?</p> <p>20 A. Yes.</p> <p>21 Q. You didn't think it important to give</p> <p>22 input as to, hey, these two ladies have an EEOC</p> <p>23 charge against this individual for sexual</p> <p>24 harassment or retaliation, maybe we shouldn't</p>                                           | <p>Page 79</p> <p>1 A. Yes.</p> <p>2 Q. Do you know if this -- the PowerPoint</p> <p>3 that was presented at the sexual harassment</p> <p>4 training in February/March of 2021?</p> <p>5 A. Yes. This is the PowerPoint. I just</p> <p>6 don't know if this is the supervisor one or the</p> <p>7 employee one.</p> <p>8 Q. Okay.</p> <p>9 So we'll take a look at another one,</p> <p>10 because there is two. That's why I'm trying to</p> <p>11 figure it out.</p> <p>12 A. I believe based upon the -- well, I</p> <p>13 shouldn't say that. I don't...</p> <p>14 Q. Let me give you the other one.</p> <p>15 MS. SMITH: I will mark Zula 139 to</p> <p>16 236 as 102.</p> <p>17 - - -</p> <p>18 (Zula 139-236 marked as Exhibit-102 for</p> <p>19 identification.)</p> <p>20 - - -</p> <p>21 MS. SMITH: And just for the</p> <p>22 record, Jane Doe 2 has joined the Zoom call.</p> <p>23 BY MS. SMITH:</p> <p>24 Q. All right.</p>                                                                                  |



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| <p>Page 80</p> <p>1 Now, having looked at 101 and 102, do<br/>2 you recall which, if any, PowerPoint was for the<br/>3 managers?<br/>4 A. 102 was for the managers.<br/>5 Q. Okay.<br/>6 And 102 -- 102 is for the non-managerial<br/>7 staff?<br/>8 A. For the -- yes, the employees.<br/>9 Q. Did you attend both trainings given that<br/>10 you were human resources director or only the<br/>11 managerial training?<br/>12 A. I attended the full managerial training<br/>13 and then I did go into a few of the sessions for<br/>14 the employees, but didn't stay the whole time.<br/>15 Q. Okay.<br/>16 So just periodic pop ins when you had<br/>17 time?<br/>18 A. Yes.<br/>19 Q. Were copies of these PowerPoints given<br/>20 to staff, either managerial or non-managerial?<br/>21 A. Yes. It was my understanding that they<br/>22 were provided in hard copy to those who attended<br/>23 in person. I think for a lot of the employee<br/>24 sessions, there was virtual sessions being held</p>                                         | <p>Page 82</p> <p>1 turned back in to indicate your attendance.<br/>2 Q. Was the form turn -- the acknowledgment<br/>3 form, was that turned in at the training or was it<br/>4 turned in thereafter?<br/>5 A. It was -- if you were in person, it was<br/>6 turned in at the training. If you were virtual,<br/>7 you needed to forward it to the HR office and then<br/>8 they were tracked.<br/>9 Q. Okay.<br/>10 The quiz form, was that a quiz that was<br/>11 taken at the training or after the training?<br/>12 A. At the training.<br/>13 Q. And it was turned in at the training?<br/>14 A. Yes.<br/>15 Q. Was there then discussions held about<br/>16 the accurate answers?<br/>17 A. Yes.<br/>18 Q. Was that before you handed in your<br/>19 answers or after you handed in your answers?<br/>20 A. That was before you handed in your<br/>21 answers.<br/>22 Q. Okay.<br/>23 And so you reviewed your answers in<br/>24 comparison for what they were saying was accurate?</p> |
| <p>Page 81</p> <p>1 due to social distancing and space and then they<br/>2 were e-mailed, I believe, copies of the<br/>3 presentation.<br/>4 Q. So for staff that attended in person,<br/>5 they received hard copies. For staff that<br/>6 appeared virtually, they received e-mail copies?<br/>7 A. Yes.<br/>8 Q. Okay.<br/>9 And I think you testified to this<br/>10 earlier, but you, at the training, also received a<br/>11 copy of the revised sexual harassment -- well, I<br/>12 think it was then called antidiscrimination,<br/>13 anti-harassment policy, correct?<br/>14 A. Yes. You received a copy of that policy<br/>15 at the training.<br/>16 Q. Were any other documents provided at the<br/>17 training?<br/>18 A. There was a quiz form that was to be<br/>19 turned in, as well as -- I don't know if it was a<br/>20 separate form for the sign-off sheet or if you<br/>21 just ripped it out of the policy that you got. I<br/>22 don't recall that, but --<br/>23 Q. Okay.<br/>24 A. -- that was the form that needed to be</p> | <p>Page 83</p> <p>1 A. Correct.<br/>2 Q. Do you know, were the quiz and answers<br/>3 discussions in the training covered in the<br/>4 PowerPoint?<br/>5 A. Yes.<br/>6 Q. So the accurate answers were in the<br/>7 PowerPoint?<br/>8 A. Yes.<br/>9 Q. Was it a video? Was it --<br/>10 A. Was what a video?<br/>11 Q. The accurate answers?<br/>12 So if look to like 102, there's some --<br/>13 obviously this is not a video, but there is<br/>14 some --<br/>15 A. Yeah. There was a video that was played<br/>16 as part of the training, as well -- as well as<br/>17 discussion regarding scenarios. Yes, there was a<br/>18 video as part of the training.<br/>19 Q. Okay.<br/>20 So if we look to 102, if you go to Zula<br/>21 232, should just say quiz, right?<br/>22 A. Yes.<br/>23 Q. Is that when they paused for a person to<br/>24 answer the question?</p>                                                                                                                 |

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| <p>Page 84</p> <p>1 A. Yes. From what I recall, people were<br/>2 given an opportunity to answer and then there was<br/>3 discussion following that.</p> <p>4 Q. Okay.</p> <p>5 If we look to the few pages after that<br/>6 page, I don't see anything about -- in this<br/>7 PowerPoint, about the accurate responses. It<br/>8 would have come after the opportunity to take the<br/>9 quiz, correct?</p> <p>10 A. Yes.</p> <p>11 Q. Okay.</p> <p>12 Do you see anything in those pages that<br/>13 is what you recall as being the accurate answer<br/>14 discussion?</p> <p>15 A. No. It was a discussion, it wasn't part<br/>16 of the policy -- or wasn't part of the<br/>17 presentation.</p> <p>18 Q. Okay.</p> <p>19 So the accurate answers were not<br/>20 displayed on the screen?</p> <p>21 A. No.</p> <p>22 Q. Okay.</p> <p>23 If you had gotten any answers wrong on<br/>24 the quiz, was there discussions held either</p>                                                                                                                                                                                                                                               | <p>Page 86</p> <p>1 employees sessions were held, potentially some<br/>2 there, some in the children and youth building.<br/>3 There were sessions held at the prison.</p> <p>4 Q. After this training, the county's --<br/>5 what was now called the anti-harassment and<br/>6 non-discrimination policy was again revised in<br/>7 May of 2021, correct?</p> <p>8 A. Yes.</p> <p>9 MS. SMITH: I am going to mark as<br/>10 107, Zula 244. 103, sorry. 103, 244 to 250.</p> <p>11 - - -</p> <p>12 (Zula 244-250 marked as Exhibit-103 for<br/>13 identification.)</p> <p>14 - - -</p> <p>15 MS. SMITH: Sorry. We're going to<br/>16 come back to that one in a second. I don't want<br/>17 my documents out of order. You can still leave it<br/>18 marked as 103. I'm going to mark as 104 and we<br/>19 will talk about that first, it's Zula 47.</p> <p>20 - - -</p> <p>21 (Zula 47 marked as Exhibit-104 for<br/>22 identification.)</p> <p>23 - - -</p> <p>24 BY MS. SMITH:</p>                   |
| <p>Page 85</p> <p>1 collectively or individually as to why your<br/>2 answers were wrong or any information regarding<br/>3 the wrong answers or incorrect?</p> <p>4 A. I didn't lead the training. However,<br/>5 when I attended, I know that we went through each<br/>6 question of the quiz. You know, we kind of -- how<br/>7 many had this answer, raise your hand. How many<br/>8 had that answer, raise your hand. And then there<br/>9 was a discussion, okay, this is the right answer<br/>10 and then discussion why the other one wasn't<br/>11 appropriate.</p> <p>12 Q. And Doreen Kutzler and Tom Hubert were<br/>13 both in your training session?</p> <p>14 A. I believe, yes. The one I attended both<br/>15 of them were there.</p> <p>16 Q. Was that at the courthouse?</p> <p>17 A. Yes.</p> <p>18 Q. Do you remember what room that was in?</p> <p>19 A. It was in the commissioner's board room.</p> <p>20 Q. Do you know if all training sessions<br/>21 were held in the commissioner's board room?</p> <p>22 A. I don't believe all training --<br/>23 potentially the manager training sessions were<br/>24 held in the commissioner's board room. But the</p> | <p>Page 87</p> <p>1 Q. So looking at 104, is this the quiz that<br/>2 we were just talking about?</p> <p>3 A. Yes.</p> <p>4 Q. All right.</p> <p>5 And you signed that these were the<br/>6 answers that you had circled prior to being<br/>7 informed of the correct answers; is that how I<br/>8 understand it?</p> <p>9 A. Yes.</p> <p>10 Q. Do you recall if you got any of them<br/>11 incorrect?</p> <p>12 A. I don't recall.</p> <p>13 Q. Did you find any of the questions<br/>14 confusing or ambiguous?</p> <p>15 A. Yes. There are some -- the situations,<br/>16 depending on all of the facts could be confusing<br/>17 if you don't have all the facts regarding the<br/>18 specific question.</p> <p>19 Q. Did you ever suggest to anyone at the<br/>20 county including Doreen Kutzler or Mr. Hubert,<br/>21 that maybe these questions should be flushed out a<br/>22 little more or any revisions to them should be<br/>23 made?</p> <p>24 A. No, I did not make any suggestions.</p> |

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| <p>Page 88</p> <p>1 Q. Put that one aside.</p> <p>2 So now going back to 103. We were</p> <p>3 discussing that after this training in February</p> <p>4 and March there was another revision made.</p> <p>5 This document in front of you, 103, has</p> <p>6 what -- it's black and white, but appears to be</p> <p>7 redlined throughout it.</p> <p>8 Do you see that?</p> <p>9 A. Yes.</p> <p>10 Q. Were you involved in the red lines and</p> <p>11 revisions to the policy in May of 2021?</p> <p>12 A. Yes. I prepared the red-line revision.</p> <p>13 Q. Okay.</p> <p>14 Was Doreen Kutzler still employed with</p> <p>15 the county at that point?</p> <p>16 A. I -- I don't recall exactly. I don't --</p> <p>17 I'm not sure.</p> <p>18 Q. Okay.</p> <p>19 Do you remember if she had any</p> <p>20 involvement in these revisions?</p> <p>21 A. I believe I discussed with her the issue</p> <p>22 regarding the change was a result of Chris Hobbs</p> <p>23 has not wanting to be named as an EEO officer for</p> <p>24 the county, so I did have a discussion with her as</p> | <p>Page 90</p> <p>1 A. He was included based -- she indicated</p> <p>2 that she had gone to the solicitor's office</p> <p>3 because it made sense to have someone in the</p> <p>4 solicitor's office serve in that capacity. And it</p> <p>5 was decided by the solicitor's office that he</p> <p>6 would be to person to serve in that capacity as</p> <p>7 the assistant solicitor.</p> <p>8 Q. Did she indicate whom in the solicitor's</p> <p>9 office decided that?</p> <p>10 A. No, I don't recall her...</p> <p>11 Q. Okay.</p> <p>12 Did she indicate why she thought it</p> <p>13 would be prudent to put a solicitor in as an EEO</p> <p>14 officer?</p> <p>15 A. No.</p> <p>16 Q. Did she indicate if she had ever spoken</p> <p>17 with Mr. Hobbs?</p> <p>18 A. No.</p> <p>19 Q. When did the revisions begin to be made</p> <p>20 on this policy? Was it in the same month of May</p> <p>21 or did it start earlier than that?</p> <p>22 A. I don't recall the exact date, but it</p> <p>23 was a result of Jane Doe 3 contacting Mr. Hobbs.</p> <p>24 I think it was Jane Doe 3 contacting Mr. Hobbs to</p>                                                                                                      |
| <p>Page 89</p> <p>1 to how he became named as that in the policy</p> <p>2 because I wasn't part of that discussion, initial</p> <p>3 discussion.</p> <p>4 Q. Okay.</p> <p>5 So we can either look back at the other</p> <p>6 policy or we can look at the red lines in this.</p> <p>7 Chris Hobbs was in the February 2021 -- 2021</p> <p>8 policy, a named EEO -- EEO officer for the county,</p> <p>9 correct?</p> <p>10 A. Yes.</p> <p>11 Q. And at some point did you come to learn</p> <p>12 that he had said that he had not consented to</p> <p>13 that?</p> <p>14 A. Yes.</p> <p>15 Q. And that he wanted to be removed?</p> <p>16 A. Correct.</p> <p>17 Q. And as result of that, it sounds like</p> <p>18 you then spoke with Ms. Kutzler and decided to</p> <p>19 make some revisions?</p> <p>20 A. Yes.</p> <p>21 Q. What was the conversation with Ms.</p> <p>22 Kutzler about why Chris Hobbs, someone who did not</p> <p>23 want to be named or consented to it, why he was</p> <p>24 included?</p>                                                                          | <p>Page 91</p> <p>1 indicate that she was contacting him as an EEO</p> <p>2 officer. And then that's what transpired from</p> <p>3 there, resulting in the change to the policy.</p> <p>4 Q. Other than discussing this with Ms.</p> <p>5 Kutzler, did you discuss these suggested revisions</p> <p>6 with anyone else?</p> <p>7 A. Yes.</p> <p>8 Q. Who?</p> <p>9 A. Mr. Bender.</p> <p>10 Q. And what was Mr. Bender's position on</p> <p>11 it?</p> <p>12 A. We discussed that I didn't think it</p> <p>13 would be appropriate to add -- keep the names in</p> <p>14 because, you know, people change positions, so it</p> <p>15 would make more sense to just have the position</p> <p>16 listed, so then the person who is in the position</p> <p>17 would serve in that role. He agreed. And then we</p> <p>18 also discussed what the other option would be as</p> <p>19 far as who the other EEO officer could be. And</p> <p>20 then we, you know, after our discussion, came up</p> <p>21 with the additional language that was added there.</p> <p>22 Q. So in the -- I shouldn't say original.</p> <p>23 In the February 2021 policy, there were two</p> <p>24 individuals named. It was you specifically and</p> |

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| <p>Page 92</p> <p>1 Christopher Hobbs specifically, correct?</p> <p>2 A. Yes.</p> <p>3 Q. In this policy, there is only -- well,</p> <p>4 in the red lines of this policy there is only one</p> <p>5 individual not by name, but by position, that</p> <p>6 would be the human resources director, correct?</p> <p>7 A. Yes.</p> <p>8 Q. And then there is no second individual</p> <p>9 except with the county's sole discretion; would</p> <p>10 you agree.</p> <p>11 A. Yes.</p> <p>12 Q. Okay.</p> <p>13 Why was a second named individual not</p> <p>14 included without the county having discretion?</p> <p>15 A. I -- we -- that's just what we decided</p> <p>16 to put in the policy as a recommendation.</p> <p>17 Q. And that's you and Mr. Bender?</p> <p>18 A. Yes.</p> <p>19 Q. Okay.</p> <p>20 The sentence regarding the sole</p> <p>21 discretion reads: In the event that the human</p> <p>22 resources director is unable or precluded from</p> <p>23 serving as an EEO officer, let's start with that</p> <p>24 portion of the sentence.</p>           | <p>Page 94</p> <p>1 able to investigate other complaints by someone</p> <p>2 who had made a previous complaint against them?</p> <p>3 If the --</p> <p>4 A. I'm not following.</p> <p>5 Q. Let's say Jane Doe says Heidi Zula, I</p> <p>6 don't know, let's say something very blatantly</p> <p>7 unlawful, raped me. And then subsequent to that,</p> <p>8 she has a complaint against John Doe completely</p> <p>9 unrelated, do you believe that you as the human</p> <p>10 resources director, could still investigate or</p> <p>11 should investigate her future complaints</p> <p>12 against unrelated -- in unrelated matters?</p> <p>13 MS. PIPAK: Objection.</p> <p>14 You can answer.</p> <p>15 THE WITNESS: Yes. I believe in</p> <p>16 certain instances that would be appropriate.</p> <p>17 BY MS. SMITH:</p> <p>18 Q. Okay.</p> <p>19 It then say, comma, the county, comma,</p> <p>20 within its sole discretion. Whose discretion</p> <p>21 within the county would that be?</p> <p>22 A. I don't know. I would assume either --</p> <p>23 I would believe most likely the county</p> <p>24 administrators, as he supervisors -- that position</p> |
| <p>Page 93</p> <p>1 What in your mind would render the human</p> <p>2 resources director unable or precluded from</p> <p>3 serving as an EEO officer?</p> <p>4 A. If the complaint was against that</p> <p>5 person.</p> <p>6 Q. Okay.</p> <p>7 Anything else?</p> <p>8 A. No, I believe that's pretty much it.</p> <p>9 Q. So if the E -- if the human resources</p> <p>10 director had been -- if allegations had been</p> <p>11 brought against the human resources director that</p> <p>12 they were engaging in aiding and abetting the</p> <p>13 county in unlawful acts or retaliating, do you</p> <p>14 believe that then they would be permitted to</p> <p>15 continue to review complaints by the accuser in</p> <p>16 the future?</p> <p>17 MS. PIPAK: Objection.</p> <p>18 You can answer.</p> <p>19 THE WITNESS: So if the specific</p> <p>20 complaint is against the HR director, then, no,</p> <p>21 they shouldn't be involved in that specific</p> <p>22 investigation.</p> <p>23 BY MS. SMITH:</p> <p>24 Q. But you believe that they would still be</p> | <p>Page 95</p> <p>1 supervisors the court or -- I mean, excuse me, the</p> <p>2 county human resources officer. This was language</p> <p>3 that was reviewed and provided by our attorneys,</p> <p>4 so...</p> <p>5 Q. So your attorneys had input into this?</p> <p>6 A. Yes.</p> <p>7 MS. PIPAK: Objection.</p> <p>8 I'm going to advise you not to talk</p> <p>9 about what you talked about with counsel.</p> <p>10 THE WITNESS: Okay.</p> <p>11 BY MS. SMITH:</p> <p>12 Q. Okay.</p> <p>13 So earlier you said it was you and Mr.</p> <p>14 Bender?</p> <p>15 A. Yes.</p> <p>16 Q. There were also discussions held with</p> <p>17 counsel regarding it?</p> <p>18 A. Yes.</p> <p>19 Q. And which counsel was that?</p> <p>20 A. Typically it would either be solicitors</p> <p>21 from the county and/or our outside counsel that we</p> <p>22 worked with regarding a lot of these EEO-related</p> <p>23 issue.</p> <p>24 Q. And again, I am not asking for any of</p>                                                                                                                                                                                       |



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| <p>Page 96</p> <p>1 the contents, but I am just trying to figure out</p> <p>2 for this -- these revisions, do you recall which</p> <p>3 counsel it was?</p> <p>4 A. I don't recall specifically which</p> <p>5 counsel, no.</p> <p>6 Q. Okay.</p> <p>7 Do you recall if it -- it was Defendant</p> <p>8 Roth?</p> <p>9 A. No. Those -- I would not have discussed</p> <p>10 it with him. I would have discussed it with Al</p> <p>11 Marshall or -- okay. Tom.</p> <p>12 MS. PIPAK: Can we move away from</p> <p>13 this line of questioning. I think this is</p> <p>14 inappropriate.</p> <p>15 MS. SMITH: Who is involved in a</p> <p>16 conversation is not the contents of a</p> <p>17 conversation. Only the contents of conversations</p> <p>18 are involved. Who advises her is completely</p> <p>19 irrelevant and permissible questioning.</p> <p>20 Again, I have instructed her, as</p> <p>21 have you, that the contents of the conversations,</p> <p>22 it's simply whom, because to determine what is</p> <p>23 privileged or what is not privileged, there is a</p> <p>24 plethora of case laws to certain investigations</p> | <p>Page 98</p> <p>1 requests an alternative EEO officer serve?</p> <p>2 MS. PIPAK: Objection to the form.</p> <p>3 You can answer.</p> <p>4 THE WITNESS: I don't believe -- I</p> <p>5 believe potentially either could apply.</p> <p>6 BY MS. SMITH:</p> <p>7 Q. So is your understanding of this</p> <p>8 revision that if an employee asks the human</p> <p>9 resources director to be precluded from serving as</p> <p>10 the EEO officer, that then an alternative officer</p> <p>11 would be appointed or is it that then the county</p> <p>12 would review that and determine if an alternative</p> <p>13 EEO officer should serve?</p> <p>14 A. I think the second situation would be</p> <p>15 more accurate, that if the employee raised on</p> <p>16 objection to the HR office director serving in</p> <p>17 that capacity, that the request would go to the</p> <p>18 county and then they would make the determination.</p> <p>19 Q. Okay.</p> <p>20 And, again, you believe that that is a</p> <p>21 request that would go to the administrator for</p> <p>22 determination?</p> <p>23 A. Yes.</p> <p>24 Q. Based off -- well, let's -- there's one</p> |
| <p>Page 97</p> <p>1 and decisions, so I need that line of questioning</p> <p>2 and I am permitted to ask that line of</p> <p>3 questioning.</p> <p>4 MS. PIPAK: Okay. It's getting</p> <p>5 very close to what was discussed. So I am -- I am</p> <p>6 just being careful.</p> <p>7 MS. SMITH: Again, she has been</p> <p>8 instructed by. I -- I've instructed her, I am not</p> <p>9 even her counsel. I'm not asking for the contents</p> <p>10 of the conversation. I am simply asking for the</p> <p>11 names of the counsel that were involved.</p> <p>12 BY MS. SMITH:</p> <p>13 Q. Was it a solicitor? If so, who or was</p> <p>14 it outside counsel? If so, who? Again just</p> <p>15 names.</p> <p>16 A. I believe it would have been -- well, Al</p> <p>17 Marshall and/or Tom Highbock.</p> <p>18 Q. But you don't recall which?</p> <p>19 A. I don't.</p> <p>20 Q. Okay.</p> <p>21 When -- so the language to me is</p> <p>22 somewhat unclear. Is it the county who decides</p> <p>23 that they shall appoint an alternative EEO officer</p> <p>24 or -- and/or, I guess, is it when a employee</p>                           | <p>Page 99</p> <p>1 more, I believe, red-line revision to this and</p> <p>2 it's on Page 3 in BV. It changes either to any,</p> <p>3 correct?</p> <p>4 A. Yes.</p> <p>5 Q. Do you know who suggested that revision?</p> <p>6 A. I don't recall.</p> <p>7 Q. Do you remember having any discussions</p> <p>8 about it?</p> <p>9 MS. PIPAK: I am going to object to</p> <p>10 the extent it relates to any conversations you had</p> <p>11 with attorneys.</p> <p>12 MS. SMITH: And, again, I am just</p> <p>13 asking who, so I am trying to figure that out.</p> <p>14 BY MS. SMITH:</p> <p>15 Q. Do you recall who?</p> <p>16 A. I don't recall that specific change.</p> <p>17 Q. Okay.</p> <p>18 I'm sorry. And I -- just so I don't</p> <p>19 misrepresent for the record, on Page 7, the last</p> <p>20 page, the as revised January 2021 was also taken</p> <p>21 out, correct?</p> <p>22 A. Yes.</p> <p>23 MS. SMITH: So now we are going to</p> <p>24 look at the actual policies implemented, 105, it's</p>                                                                                                                                                   |



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| <p>1 going to be Zula 251 through 257.<br/> 2       - - -<br/> 3       (Zula 251-257 marked as Exhibit-105 for<br/> 4 identification.)<br/> 5       - - -<br/> 6 BY MS. SMITH:<br/> 7 Q. And if you need to look back at the<br/> 8 other one, obviously it's in front of you. But<br/> 9 the red-line revision -- the red-line revisions on<br/> 10 the first page under EEO -- EEO statement<br/> 11 regarding the sole discretion of the county that<br/> 12 we looked at, those were, in fact, adopted,<br/> 13 correct?<br/> 14 A. Yes.<br/> 15 Q. Okay.<br/> 16 I saw you turn a couple pages later.<br/> 17 Were you looking to see if it had been signed by<br/> 18 the commissioners?<br/> 19 A. Yes.<br/> 20 Q. Okay.<br/> 21 And it was, in fact, signed by them,<br/> 22 correct?<br/> 23 A. Yes.<br/> 24 Q. So this became the county's</p>                                                                                                                                                                                                                                                            | <p>Page 100</p> <p>1 Q. And in the event that an individual<br/> 2 reported something to their supervisor or county<br/> 3 administration, to where would those individuals<br/> 4 then report the issues?<br/> 5 A. Typically they would come to the HR<br/> 6 office.<br/> 7 Q. Okay.<br/> 8 So everything, again, would still<br/> 9 trickle to the HR office?<br/> 10 A. Yes, potentially.<br/> 11 Q. So if an employee was uncomfortable with<br/> 12 the human resources director investigating their<br/> 13 claims, what alternatives did the county provide<br/> 14 for them?<br/> 15 A. They would go to the next chain in<br/> 16 command and the -- the decision would be made as<br/> 17 to who would investigate the claim.<br/> 18 Q. Well, the next chain of command from the<br/> 19 human resources director would be the county<br/> 20 administrator, correct?<br/> 21 A. Yes.<br/> 22 Q. And the county administrator's next<br/> 23 chain of command would be the commissioners,<br/> 24 correct?</p> <p>Page 102</p> |
| <p>1 anti-harassment and non-discrimination policy in<br/> 2 May of 2021?<br/> 3 A. Yes.<br/> 4 Q. Based off of this policy, if an employee<br/> 5 wanted to report that they believed or suspected<br/> 6 that the rights under this policy had been<br/> 7 violated, but were not comfortable reporting it to<br/> 8 the human resources director, who do you believe<br/> 9 that they could report it to?<br/> 10 A. They could report it to their<br/> 11 supervisor. They could report it to the county<br/> 12 administrator. They could report it to the<br/> 13 commissioners, I suppose.<br/> 14 Q. Well, where does it allow for that?<br/> 15 A. It doesn't say that in the policy.<br/> 16 Q. Advising employees of to whom they could<br/> 17 report violations of this policy would be<br/> 18 important, correct?<br/> 19 A. Yes. They were included in the training<br/> 20 that was provided to staff.<br/> 21 Q. The alternatives?<br/> 22 A. My recollection, the training did<br/> 23 provide, yes, that you can report to your<br/> 24 supervisor, you could report to HR.</p> <p>Page 101</p> | <p>Page 103</p> <p>1 A. Yes.<br/> 2 Q. And if -- you said if an individual<br/> 3 reported it to a county administrator, it would<br/> 4 trickle down to the HR director, correct?<br/> 5 A. I'm sure we would have a conversation,<br/> 6 but ultimately the county administrator had the<br/> 7 decision-making process to make a decision as to<br/> 8 who would investigate the claim if it wouldn't be<br/> 9 the HR director.<br/> 10 Q. Okay.<br/> 11 But, again, it's within that<br/> 12 individual's sole discretion as the policy reads?<br/> 13 A. Yes.<br/> 14 Q. All right.<br/> 15 So I want to look at that other change<br/> 16 that we looked at in the red line on Page 3 in B.<br/> 17 It went from either to any.<br/> 18 Do you see that?<br/> 19 A. Uh-huh.<br/> 20 Q. That change was adopted, correct?<br/> 21 A. Yes.<br/> 22 Q. Any would imply more than one EEO<br/> 23 officer, correct?<br/> 24 A. Yes.</p>                                                                                                  |

| Page 104                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                     | Page 106                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                        |
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| <p>1 Q. And it indicates officers whose offices<br/>2 are located at a specific address, correct?</p> <p>3 A. Yes.</p> <p>4 Q. Again, indicating more than one EEO<br/>5 officer?</p> <p>6 A. Yes.</p> <p>7 Q. But you would agree that there was, in<br/>8 fact, only one EEO officer for the county in May<br/>9 of 2021?</p> <p>10 A. Yes.</p> <p>11 Q. And then looking at the last change that<br/>12 was proposed on Page 7, this policy, the revision<br/>13 date was removed as the red line in this previous<br/>14 exhibit that we looked at, correct?</p> <p>15 A. Uh-huh.</p> <p>16 Q. Is that a yes?</p> <p>17 A. Yes. Sorry. Yes.</p> <p>18 Q. You're okay.</p> <p>19 Do you know who suggested that revision?</p> <p>20 A. I don't recall.</p> <p>21 Q. Okay.</p> <p>22 If there's no date on the policy<br/>23 acknowledgment form, how was it that the county<br/>24 was to keep records or know if certain employees</p>                                                                                                                   | <p>1 revision date in this document so that the<br/>2 employee knew which revision policy they were<br/>3 acknowledging receipt of?</p> <p>4 A. Apparently I didn't find it important<br/>5 enough to do that since it was taken out of the<br/>6 red line -- out of the document.</p> <p>7 Q. Looking back on it now, do you believe<br/>8 that it would be prudent to include that, to<br/>9 ensure that the employee was signing an<br/>10 acknowledgment of the most up-to-date revised copy<br/>11 of a policy?</p> <p>12 A. I -- again, I don't believe it's<br/>13 necessary. If we have the date that the employee<br/>14 signed it, the county policies are updated based<br/>15 upon -- and their revision date is included. So<br/>16 if you signed it after that date, I would make<br/>17 that determination that you signed the most recent<br/>18 policy.</p> <p>19 Q. Okay.</p> <p>20 A. And to go back, as I'm reading through<br/>21 this, it does indicate if an agreed person does<br/>22 not wish to communicate directly with the offended<br/>23 person or if communication is not successful or<br/>24 appropriate to the employee, an oral written</p> |
| Page 105                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                     | Page 107                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                        |
| <p>1 had completed or received -- I'm sorry -- certain<br/>2 revised policies?</p> <p>3 MS. PIPAK: Object to the form.<br/>4 You can answer.</p> <p>5 THE WITNESS: I would base it off<br/>6 of the date that the employee signed the<br/>7 acknowledgment form.</p> <p>8 BY MS. SMITH:</p> <p>9 Q. But you wouldn't know which policy they<br/>10 were handed, would you?</p> <p>11 A. It indicates that they've reviewed --<br/>12 received, read, and reviewed a copy of the County<br/>13 of Schuylkill's anti-harassment and<br/>14 non-discrimination policy. And then based upon<br/>15 their date, would be the date of this revision.</p> <p>16 Q. Well, we looked at your acknowledgment<br/>17 form that had said that you acknowledged receipt<br/>18 of a January '21, policy, which you had, in fact,<br/>19 not received because there was no January 2021<br/>20 policy, correct?</p> <p>21 A. Uh-huh, yes.</p> <p>22 Q. So -- so mistakes happen, correct?</p> <p>23 A. Yes, they do.</p> <p>24 Q. So wouldn't it be prudent to put the</p> | <p>1 complaint can be delivered to a whole host of a<br/>2 number of people, the individual's complaint to<br/>3 direct supervisor, any supervisor, the county<br/>4 administrator, the county commissioners, or the<br/>5 county EEO officers, so it is included in the<br/>6 policy.</p> <p>7 Q. But, again, the investigation would be<br/>8 done by the EEO officer, correct?</p> <p>9 A. Yes. Unless it was determined that that<br/>10 EEO officer cannot serve in that capacity.</p> <p>11 Q. And that would be at the county<br/>12 administrator's sole discretion?</p> <p>13 A. Well, at the county's sole discretion,<br/>14 yes. So I don't know who or if there's any<br/>15 further discussion that the county administrator<br/>16 would have with anyone regarding that decision,<br/>17 but I would take that to the county<br/>18 administrators, the HR director as that position<br/>19 was the direct supervisor of the HR director.</p> <p>20 MS. SMITH: Okay. All right. I<br/>21 think we're going to take a couple-minute break.<br/>22 I think everybody --</p> <p>23 VIDEOGRAPHER: It is now<br/>24 11:02 a.m., and we're going off the record.</p>  |

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| <p style="text-align: right;">Page 108</p> <p>1                   - - -</p> <p>2           (Whereupon, brief recess was held off the</p> <p>3 record.)</p> <p>4                   - - -</p> <p>5           VIDEOGRAPHER: The time now is</p> <p>6 11:13 a.m. back on the record.</p> <p>7                   ***part 1***</p> <p>8 BY MS. SMITH:</p> <p>9 Q.       All right.</p> <p>10           Ms. Zula, you have in front of you</p> <p>11 Exhibit 105, it's the May 2021 revised policy,</p> <p>12 anti-harassment and non-discrimination policy.</p> <p>13           If we look to that signature page that</p> <p>14 you briefly looked at earlier, Zula 225, there is</p> <p>15 a signature line for the chief clerk.</p> <p>16           Do you see that?</p> <p>17 A.       Yes.</p> <p>18 Q.       Does the chief clerk have to approve any</p> <p>19 policies or revisions to policies before they are</p> <p>20 implemented?</p> <p>21 A.       No, not to my knowledge.</p> <p>22 Q.       Okay.</p> <p>23           Do you know why there's a line for the</p> <p>24 chief clerk's signature?</p>                                        | <p style="text-align: right;">Page 110</p> <p>1 A.       Then it would not be -- yes. Then it</p> <p>2 would -- sorry -- it would not be implement then.</p> <p>3 Sorry.</p> <p>4 Q.       Okay.</p> <p>5           Let me just get my question out so the</p> <p>6 record is clear.</p> <p>7           If two or three dissented, two or three</p> <p>8 commissioners dissented, the policy would not be</p> <p>9 implemented, correct?</p> <p>10 A.       Yes, that's correct.</p> <p>11 Q.       And then would HR in connection with</p> <p>12 others, make revisions to have the policy then</p> <p>13 implemented in a different type? So like if the</p> <p>14 commissioner said we won't -- we're dissenting,</p> <p>15 they would tell you why they are dissenting,</p> <p>16 right? This is an issue or that's an issue?</p> <p>17 A.       Yes. I would believe they would, yes.</p> <p>18 Q.       And then there would be revisions made</p> <p>19 to conform with their requests?</p> <p>20 A.       Yes or the existing policy that was in</p> <p>21 place prior would remain.</p> <p>22 Q.       Okay.</p> <p>23           Are -- I'm sorry. One more question.</p> <p>24           Are the revisions or implementations of</p> |
| <p style="text-align: right;">Page 109</p> <p>1 A.       I believe she's attesting to the fact</p> <p>2 that the others signed it.</p> <p>3 Q.       Okay.</p> <p>4           And then there's a signature line for</p> <p>5 each of the then sitting commissioners, correct?</p> <p>6 A.       Yes.</p> <p>7 Q.       Do all of the commissioners have to</p> <p>8 approve a policy or revision to a policy before</p> <p>9 it's implemented?</p> <p>10 A.       No. Not -- I believe it's just by</p> <p>11 majority vote.</p> <p>12 Q.       Okay.</p> <p>13           Do you know what happens if they don't</p> <p>14 vote in the majority on a policy?</p> <p>15 A.       I believe then they don't sign it.</p> <p>16 Q.       Okay.</p> <p>17           And then it's not implemented, correct?</p> <p>18 A.       If -- if a majority votes to approve the</p> <p>19 policy, yes, it would be implemented. But if a</p> <p>20 commissioner dissents, they would not sign the</p> <p>21 policy. The other two commissioners would sign</p> <p>22 the policy.</p> <p>23 Q.       Okay.</p> <p>24           And if two or three dissented --</p> | <p style="text-align: right;">Page 111</p> <p>1 policies something that's voted on during</p> <p>2 commissioner's meetings or is this an executive</p> <p>3 session topic?</p> <p>4 A.       No, they are voted on publicly at the</p> <p>5 meeting.</p> <p>6           MS. SMITH: I want to look at</p> <p>7 another policy, Zula 258 through 260, going to be</p> <p>8 Exhibit 106.</p> <p>9                   - - -</p> <p>10           (Zula 258-260 marked as Exhibit-106 for</p> <p>11 identification.)</p> <p>12                   - - -</p> <p>13 BY MS. SMITH:</p> <p>14 Q.       Ms. Zula, this exhibit includes two</p> <p>15 pages of a red-line version and then an unsigned</p> <p>16 non-red-line version.</p> <p>17           This is the county's jury duty/subpoenas</p> <p>18 policy, correct?</p> <p>19 A.       Yes.</p> <p>20 Q.       All right.</p> <p>21           Well, first let's look at the last page,</p> <p>22 which is the unsigned non-red-line version.</p> <p>23           Do you know, was this ever signed and --</p> <p>24 by the commissioners and implemented?</p>                                                                                                                                     |

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| <p>Page 112</p> <p>1 A. Yes.</p> <p>2 Q. Okay.</p> <p>3 So there should be a signed copy</p> <p>4 somewhere?</p> <p>5 A. Yes.</p> <p>6 Q. Okay.</p> <p>7 Were you involved in the revisions to</p> <p>8 this policy?</p> <p>9 A. Yes.</p> <p>10 Q. Who else was involved?</p> <p>11 A. The controllers office.</p> <p>12 Q. Okay.</p> <p>13 Anyone else?</p> <p>14 A. No. The -- well, after I prepared the</p> <p>15 revision based upon my discussions with the</p> <p>16 controller, it was reviewed by my supervisor, Gary</p> <p>17 Bender.</p> <p>18 Q. Okay.</p> <p>19 What initiated the decision to revise</p> <p>20 this policy?</p> <p>21 A. The issue -- the issue was that county</p> <p>22 employees were being called to county jury duty</p> <p>23 and so we provided jury duty leave to county</p> <p>24 employees, which is paid time off. And then they</p>                                                                                                                                                                                                                                                                                                                                                                                                                                          | <p>Page 114</p> <p>1 Q. Did you speak with her in person or did</p> <p>2 she e-mail you?</p> <p>3 A. In person.</p> <p>4 Q. In March of 2021, do you recall that</p> <p>5 Jane Doe 3, Jane Doe 4, Jane Doe 1, and Jane Doe 2</p> <p>6 all requested time off to attend interviews with</p> <p>7 the EEOC investigator?</p> <p>8 A. I don't recall that being in March of</p> <p>9 2021. I think that was later in the year. I</p> <p>10 don't recall it being in March.</p> <p>11 Q. Okay.</p> <p>12 Later in the year was the attorney</p> <p>13 general's investigation.</p> <p>14 Do you recall that?</p> <p>15 A. I know -- I don't know whose</p> <p>16 investigation it was, but there was time that they</p> <p>17 had requested off, but I don't recall them</p> <p>18 request -- I don't recall them requesting time off</p> <p>19 in March. I think it was later in the year.</p> <p>20 Q. So it's your testimony that their</p> <p>21 request off for -- they're meaning the plaintiffs</p> <p>22 request off to attend matters related to their</p> <p>23 claims, had nothing to do with the revision of</p> <p>24 this policy?</p>                           |
| <p>Page 113</p> <p>1 were then getting cut a check by the controllers</p> <p>2 office for their attendance at county jury duty.</p> <p>3 So essentially then, the county was paying them</p> <p>4 for their time away. The county was then cutting</p> <p>5 them, I don't know what it was, \$9 or something in</p> <p>6 a check for jury duty and then they're having to</p> <p>7 come turn around and reissue the check back to the</p> <p>8 county, so it's all kind of the county's money and</p> <p>9 it was just wasting time from the perspective of</p> <p>10 the controllers office. And so they asked to</p> <p>11 revise the policy to reflect that they need to</p> <p>12 inform the court that, you know, if they're a</p> <p>13 county employee, so that payment wasn't issued.</p> <p>14 Q. So you made revisions, based off someone</p> <p>15 coming to you and asking you to make revisions?</p> <p>16 A. Yes.</p> <p>17 Q. Whom specifically came to you?</p> <p>18 A. Sharyn Yackenchick.</p> <p>19 Q. Do you remember when -- I'm going to</p> <p>20 call her Sharyn -- Sharyn came to you and asked</p> <p>21 you to revise the policy?</p> <p>22 A. It would have been sometime prior to the</p> <p>23 revision date, so prior to March of 2021. I don't</p> <p>24 exactly remember the date.</p> | <p>Page 115</p> <p>1 A. Yeah. The revision of the policy had</p> <p>2 nothing to do with the claims that were</p> <p>3 requested -- filed or requested or whatever by any</p> <p>4 of the plaintiffs.</p> <p>5 Q. And all of the red-line revisions are</p> <p>6 ones that you made and suggested?</p> <p>7 A. Yes. I prepared the red-line document.</p> <p>8 It was reviewed by my supervisor. And then</p> <p>9 typically after discussion with my supervisor, we</p> <p>10 would then forward it to the commissioners for</p> <p>11 review to -- and presentation at the agenda and I</p> <p>12 would provide a copy of the red-line document, so</p> <p>13 they could see the changes, as well as a copy of,</p> <p>14 like, the clean document that would be placed on</p> <p>15 the board agenda.</p> <p>16 Q. Okay.</p> <p>17 Do you recall when you presented your</p> <p>18 red-line document to Mr. Bender, if he had any</p> <p>19 changes that he thought should be made?</p> <p>20 A. I don't recall.</p> <p>21 Q. During your employment with the county,</p> <p>22 are you aware of any other policies that were</p> <p>23 revised?</p> <p>24 A. Yes.</p> |



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| <p>Page 116</p> <p>1 Q. Do you recall which ones?</p> <p>2 A. We revised the retiree health care</p> <p>3 policy.</p> <p>4 Q. And if you need to look at that list, it</p> <p>5 --</p> <p>6 A. I don't -- I can't -- I mean, I know the</p> <p>7 retiree health care policy because it took a very</p> <p>8 long time to work through that. I mean, during my</p> <p>9 tenure at the county, I mean, obviously the</p> <p>10 anti-harassment and non-discrimination, the jury</p> <p>11 duty policy, the retiree health care. We enacted</p> <p>12 a policy, and it's not on here because it was</p> <p>13 after -- for medical marijuana, that was a brand</p> <p>14 new policy. I can't think of anymore off the top</p> <p>15 of my head. I think those...</p> <p>16 Q. Okay.</p> <p>17 MS. SMITH: Going to mark as Zula</p> <p>18 855 to 857 as 107.</p> <p>19 ---</p> <p>20 (Zula 855-857 marked as Exhibit-107 for</p> <p>21 identification.)</p> <p>22 ---</p> <p>23 BY MS. SMITH:</p> <p>24 Q. Do you recognize this chain of e-mails?</p>                                                                                                                                                                                                          | <p>Page 118</p> <p>1 anything to do with like an EEO issue. So it's a</p> <p>2 solution that applied to multiple different kinds</p> <p>3 of facets in the county and people can report</p> <p>4 fraud, all sorts of different types of things. So</p> <p>5 it's not specific just to anti-harassment.</p> <p>6 Q. Okay.</p> <p>7 But anti-harassment can be reported</p> <p>8 through it, correct?</p> <p>9 A. Yes.</p> <p>10 Q. And it can be reported anonymously</p> <p>11 through it?</p> <p>12 A. Yes.</p> <p>13 Q. And does it -- does Stop It have its own</p> <p>14 investigators or is it just a platform in which</p> <p>15 information can be transmitted from the -- from</p> <p>16 the reporter to the county?</p> <p>17 A. It's a platform that information is</p> <p>18 transmitted?</p> <p>19 Q. Okay.</p> <p>20 So it's really just a new wave type of</p> <p>21 application on the phone that then an individual</p> <p>22 can make an HR report, correct?</p> <p>23 A. Yes.</p> <p>24 Q. Okay.</p>                                                                                                                      |
| <p>Page 117</p> <p>1 A. Yes.</p> <p>2 Q. Who decided to implement the Stop It</p> <p>3 Solutions, as it calls it, a technology platform?</p> <p>4 A. That was -- we had conversations with C</p> <p>5 Cap I think is who presented the program to us.</p> <p>6 It was reviewed by Ms. Kutzler and myself, as well</p> <p>7 as Gary Bender. And then it was recommended to</p> <p>8 the commissioners for approval.</p> <p>9 Q. Was it approved by the commissioners?</p> <p>10 A. Yes. To my knowledge, yes.</p> <p>11 Q. Okay. Stop It Solutions is not included</p> <p>12 in the anti-harassment, non-discrimination policy,</p> <p>13 correct.</p> <p>14 A. Not in the policy, no.</p> <p>15 Q. Do you know why?</p> <p>16 A. It's -- and it's -- I don't know why</p> <p>17 it's not. I mean, I don't think it's appropriate</p> <p>18 to be in the policy because it is -- it applies to</p> <p>19 a number of different types of -- like anyone can</p> <p>20 use the solution to report any kind of issue that</p> <p>21 they're having. Like for example, I had an</p> <p>22 employee who -- or a claim that came in or an --</p> <p>23 an injury that came in about an employee who was</p> <p>24 abusing leave, for example, that didn't have</p> | <p>Page 119</p> <p>1 And, again, sexual harassment,</p> <p>2 retaliation claims can be reported through it?</p> <p>3 A. Yeah. Potentially, yes.</p> <p>4 Q. So your only reason for saying it</p> <p>5 shouldn't be -- you don't believe it would be</p> <p>6 appropriate for it to be in the sexual harassment</p> <p>7 policies because it's over inclusive?</p> <p>8 A. Yeah. It's -- it includes a lot more</p> <p>9 issues than just the sexual harassment or</p> <p>10 harassment. It -- it can be utilized for just</p> <p>11 about anything.</p> <p>12 Q. So wouldn't including it in any policy</p> <p>13 be an appropriate way to address that concern?</p> <p>14 A. I mean, the information was put out to</p> <p>15 all county employees through the training, through</p> <p>16 communications, through posters that were put up.</p> <p>17 So the information was communicated to employees,</p> <p>18 it's just not part of the policy.</p> <p>19 Q. Was a mass e-mail sent out?</p> <p>20 A. Yes.</p> <p>21 Q. Okay.</p> <p>22 And you said posters were put up?</p> <p>23 A. Yes.</p> <p>24 Q. Where were they put up?</p> |



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| <p style="text-align: right;">Page 120</p> <p>1 A. I believe they were put up in -- on</p> <p>2 different bulletin boards throughout the county.</p> <p>3 So in the courthouse, in the different office</p> <p>4 buildings. There's flyers that are -- that were</p> <p>5 provided, from what I can recall. And then an</p> <p>6 e-mail blast was sent out to everybody.</p> <p>7 Q. Do you know where in the courthouse the</p> <p>8 poster was?</p> <p>9 A. I don't exactly know the locations, no.</p> <p>10 Q. Do you know if one was put in the 410</p> <p>11 Building?</p> <p>12 A. I would assume so because they were --</p> <p>13 they were sent to all buildings, but I don't know</p> <p>14 exactly where it would be.</p> <p>15 Q. And you didn't hang the posters,</p> <p>16 correct?</p> <p>17 A. No, I did not.</p> <p>18 Q. So you have no personal knowledge of the</p> <p>19 poster being in the 410 Building?</p> <p>20 A. No, I don't.</p> <p>21 Q. During your employment, had you ever</p> <p>22 visited the 410 Building?</p> <p>23 A. Yes.</p> <p>24 Q. How many times would you say?</p>                                                                                                                        | <p style="text-align: right;">Page 122</p> <p>1 Q. So if an employee had a concern about</p> <p>2 the human resources director and they wanted to</p> <p>3 remain anonymous, this would be an alternative to</p> <p>4 the human resources director, as the EEO officer,</p> <p>5 in that they could remain anonymous and that</p> <p>6 concern could be alleviated?</p> <p>7 A. Yes. They can file a complaint, an</p> <p>8 anonymous complaint directly through this Stop It,</p> <p>9 yes.</p> <p>10 Q. Okay.</p> <p>11 So if a supervisor came to you and said</p> <p>12 I have an employee who has a concern, but</p> <p>13 they're -- they want to remain anonymous, the Stop</p> <p>14 It Solution would be a viable suggestion to that</p> <p>15 supervisor to tell the employee about, correct?</p> <p>16 A. Yes.</p> <p>17 Q. So at the time that you began your</p> <p>18 employment with the county, Jane Doe 3, Jane Doe</p> <p>19 4, Jane Doe 1, Jane Doe 2 were all already</p> <p>20 employed, correct?</p> <p>21 A. Yes.</p> <p>22 Q. At the time you were employed, Jane Doe</p> <p>23 3 was the chief assessor and tax claim director,</p> <p>24 correct?</p> |
| <p style="text-align: right;">Page 121</p> <p>1 A. Maybe ten.</p> <p>2 Q. Do you know, does the county maintain</p> <p>3 copies of all Stop It Solution submissions?</p> <p>4 A. That I don't know. I'm not sure if the</p> <p>5 county maintains those or not. We would get a</p> <p>6 notification that there was one there and you</p> <p>7 would log into the solution to look at it, but I</p> <p>8 don't know if copies are actually maintained in</p> <p>9 the system once they're closed out. I don't know.</p> <p>10 Q. Okay.</p> <p>11 And the Stop It Solutions would be a --</p> <p>12 well, let's turn to Page 2 actually of this</p> <p>13 document, it's Zula 856.</p> <p>14 Just below the -- the little lady there,</p> <p>15 the second -- third -- I'm sorry -- bullet point</p> <p>16 is access two-way anonymous communication to</p> <p>17 follow up on your reports.</p> <p>18 This mean an employee can submit an</p> <p>19 anonymous communication and be responded to</p> <p>20 through the Stop It program, so that, for</p> <p>21 instance, they then don't have to provide their</p> <p>22 e-mail to get correspondence regarding their</p> <p>23 complaint, correct?</p> <p>24 A. Yes. That can occur.</p> | <p style="text-align: right;">Page 123</p> <p>1 A. When I started, yes.</p> <p>2 Q. Yes. Okay.</p> <p>3 And at the time you started, Jane Doe 4</p> <p>4 was the assistant tax claim director and</p> <p>5 assistant -- or what I think is also called the</p> <p>6 deputy chief assessor, correct?</p> <p>7 A. Yes.</p> <p>8 Q. Jane Doe 1 was a market -- a field</p> <p>9 market analyst or a -- I'm sorry -- real estate</p> <p>10 market analyst? I am combining the two.</p> <p>11 A. Yes.</p> <p>12 Q. And Jane Doe 2 at the time you were</p> <p>13 hired was a field appraiser?</p> <p>14 A. Yes.</p> <p>15 Q. And Jane Doe 1 and Jane Doe 2 were --</p> <p>16 their positions were both in the tax assessment</p> <p>17 office, correct?</p> <p>18 A. Yes.</p> <p>19 Q. When you were hired, do you know how</p> <p>20 many employees there were in the tax claim bureau?</p> <p>21 A. I don't exactly know. I can probably</p> <p>22 count. One, two, three, four, five, six. Seven</p> <p>23 maybe. Seven. Six, seven, somewhere around</p> <p>24 there.</p>                                                                                                        |

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| <p>Page 124</p> <p>1 Q. And does that include Jane Doe 3 and</p> <p>2 Jane Doe 4?</p> <p>3 A. Yes.</p> <p>4 Q. Okay.</p> <p>5 How about in the assessment office?</p> <p>6 A. There was turnover in the assessment</p> <p>7 office, so I don't know exactly how many field</p> <p>8 appraisers there were when I first started. One,</p> <p>9 two, three, four, five, six, seven, eight. Seven</p> <p>10 or eight, I think, were employed when I started.</p> <p>11 Q. And, again, is that including Jane Doe 3</p> <p>12 and Jane Doe 4?</p> <p>13 A. Yes.</p> <p>14 Q. Okay.</p> <p>15 Does -- do the numbers that you just</p> <p>16 provided, the six and seven, seven and eight, do</p> <p>17 those includes, I think they are termed,</p> <p>18 contractors or per diems?</p> <p>19 A. No.</p> <p>20 Q. Okay.</p> <p>21 So you think that in addition to those</p> <p>22 numbers, there may have been others who were</p> <p>23 contractors or per diems?</p> <p>24 A. Yes. We did bring -- I think there were</p>                                                                                                                                                                                      | <p>Page 126</p> <p>1 Q. Do you know how many of those</p> <p>2 employees -- again, this is at the time you were</p> <p>3 hired, so we are talking the January 2021 time</p> <p>4 frame, held valid CPE licenses?</p> <p>5 A. At the time I was hired, I don't exactly</p> <p>6 know who all had the license, no.</p> <p>7 Q. And let me ask you this: When you say</p> <p>8 you don't know, is it that you don't know now or</p> <p>9 is it that you don't recall? Do you understand</p> <p>10 the difference? Let me -- let me strike that.</p> <p>11 Let me rephrase it.</p> <p>12 Is it that you never knew or that you</p> <p>13 don't recall?</p> <p>14 A. Well, I -- at the time I was hired, I</p> <p>15 don't answer know who had it or who didn't. I</p> <p>16 mean, after the fact I did learn that -- who had</p> <p>17 their license and who didn't. I believe that Jane</p> <p>18 Doe 3 had her license. Jane Doe 4 was going</p> <p>19 through the process. Tiffany Keel, who was one of</p> <p>20 the field appraisers, I think she was going</p> <p>21 through the process. I don't think we had any</p> <p>22 field appraisers when I was hired who had the CPE</p> <p>23 license.</p> <p>24 Q. Okay.</p> |
| <p>Page 125</p> <p>1 some, like, former employees who left and were</p> <p>2 rehired on the per-diem basis to provide</p> <p>3 assistance and training, yes. But my numbers did</p> <p>4 not include them.</p> <p>5 Q. Okay.</p> <p>6 Prior to your employment, did you --</p> <p>7 well, during your employment, did you ever come to</p> <p>8 learn how many employees those offices operated</p> <p>9 with prior to your employment?</p> <p>10 A. I was -- I was aware there were</p> <p>11 vacancies in this tax assessment office due to --</p> <p>12 I don't know if they were retirements or</p> <p>13 resignations in specifically the field appraiser</p> <p>14 position.</p> <p>15 Q. Do you know how many vacancies?</p> <p>16 A. No, I don't -- I don't recall. I would</p> <p>17 say two or three, but I don't know if that's</p> <p>18 completely accurate.</p> <p>19 Q. Do you know if other than vacancies in</p> <p>20 the field appraiser position, there were vacancies</p> <p>21 in any other position such as clerk or typist?</p> <p>22 A. I believe their clerk typist were</p> <p>23 filled, from what I can recall. And I think the</p> <p>24 tax claim office was full as well.</p> | <p>Page 127</p> <p>1 So the record is clean, Ms. Keel's last</p> <p>2 name is also Mayer, right?</p> <p>3 A. Yeah. I -- I know she got married. I</p> <p>4 wasn't sure what's her appropriate name, but I</p> <p>5 know we still --</p> <p>6 Q. Okay.</p> <p>7 A. -- refer to her as Keel, I think, when I</p> <p>8 was there.</p> <p>9 Q. Just wanted to make sure we understood</p> <p>10 she was the same person.</p> <p>11 Do you know, historically, how many CPE</p> <p>12 licenses have been -- strike that.</p> <p>13 Do you know historically how many</p> <p>14 employees who have held CPE licenses have staffed</p> <p>15 the assessment office?</p> <p>16 A. I'm not sure I understand the question.</p> <p>17 Q. Like, how many is an optimal number of</p> <p>18 CPE-licensed employees?</p> <p>19 A. So my understanding is that the CPE</p> <p>20 license is required of all field appraisers. They</p> <p>21 have a certain number of time to obtain that</p> <p>22 license. And that was the requirement for that</p> <p>23 position and then as well as the chief assessor</p> <p>24 and the deputy.</p>                                                                                               |

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| <p style="text-align: right;">Page 128</p> <p>1 Q. Do you know what a field appraiser does?</p> <p>2 A. Yes.</p> <p>3 Q. Okay.</p> <p>4 And what do they do?</p> <p>5 A. So my understanding is they, in general</p> <p>6 terms, go out, they review properties to determine</p> <p>7 assessed values to put them on the tax roles.</p> <p>8 They review -- I know they go out and they review</p> <p>9 different, like, permits and things that were</p> <p>10 issued to go and see if there's additional</p> <p>11 properties that need to be picked up to added on</p> <p>12 to the tax roles.</p> <p>13 Q. And generally, what's your understanding</p> <p>14 of what the assessment office does?</p> <p>15 A. So they're the office that would set the</p> <p>16 assessed values for the county properties and then</p> <p>17 they would issues the tax bills.</p> <p>18 Q. So to dumb it down a little bit even</p> <p>19 more, tax assessment says you Mr. Homeowner are</p> <p>20 going to own this based off our field appraiser's</p> <p>21 work and then the tax collectors and the</p> <p>22 treasurer's office collect those taxes annually</p> <p>23 for the property owner, correct?</p> <p>24 A. Yes.</p> | <p style="text-align: right;">Page 130</p> <p>1 A. Yes.</p> <p>2 Q. Okay.</p> <p>3 So there's essentially a document that</p> <p>4 says what the optimal numbers for the office are,</p> <p>5 correct?</p> <p>6 MS. PIPAK: Objection.</p> <p>7 You can -- you can answer.</p> <p>8 THE WITNESS: It's -- the document</p> <p>9 indicates this is how many authorized positions</p> <p>10 are given to each particular office.</p> <p>11 BY MS. SMITH:</p> <p>12 Q. Okay. That's fair, the distinction.</p> <p>13 Thank you.</p> <p>14 So for instance, if an office has</p> <p>15 approved positions, but the director or the -- the</p> <p>16 head of the department thinks more might be needed</p> <p>17 or changes, they can be modified, correct?</p> <p>18 A. Yes.</p> <p>19 Q. With the approval of whom?</p> <p>20 A. The commissioners.</p> <p>21 Q. And only the commissioners?</p> <p>22 A. The commiss -- well, it would be --</p> <p>23 positions are created at the salary board. I</p> <p>24 guess it would be the salary board who actually</p>                                                                                                                                                                                                                                                                                                                                                  |
| <p style="text-align: right;">Page 129</p> <p>1 Q. Okay.</p> <p>2 So based off that really dumbed-down</p> <p>3 version that I just gave, assessment -- the</p> <p>4 assessment office cannot complete its duties</p> <p>5 without field appraisers, correct?</p> <p>6 A. Yes, they need field appraisers to do</p> <p>7 that work.</p> <p>8 Q. Okay.</p> <p>9 And, again, I don't know if you answered</p> <p>10 this question, optimally how many field appraisers</p> <p>11 should there be in the tax assessment office?</p> <p>12 A. That I don't have -- that's -- I'm not</p> <p>13 certain. I know -- I mean, if I had the</p> <p>14 compliment, I would look at how many complimented</p> <p>15 positions we have. I don't know if that's the</p> <p>16 optimal number or not.</p> <p>17 Q. What's a compliment?</p> <p>18 A. So the staff compliment, so the number</p> <p>19 of positions that each office has assigned to</p> <p>20 them.</p> <p>21 Q. So there's a document that the county</p> <p>22 maintains that says, this is what positions are</p> <p>23 open and should be filled to know which vacancies</p> <p>24 exist?</p>                                                                       | <p style="text-align: right;">Page 131</p> <p>1 approves the creation of new positions.</p> <p>2 Q. So let's walk through, hypothetically a</p> <p>3 department head says, I need a new position. I</p> <p>4 need another field appraiser. I've got four, but</p> <p>5 I need a fifth. They would go to the salary board</p> <p>6 and say --</p> <p>7 A. Well, they would submit a request</p> <p>8 through -- typically through a PAR. They would</p> <p>9 submit a PAR form requesting a new position,</p> <p>10 typically prior to that PAR form being submitted.</p> <p>11 However, there would be conversations with --</p> <p>12 typically HR would get involved to determine,</p> <p>13 okay, you know, here is the additional work, is</p> <p>14 this the appropriate, like, classification of the</p> <p>15 position. And then it would also typically be</p> <p>16 reviewed by the county administrator, as well as</p> <p>17 finance would get involved to make sure that we</p> <p>18 had a budget available to pay for the position.</p> <p>19 And then a PAR request would be put in.</p> <p>20 It would be added on to the salary board agenda.</p> <p>21 And then the salary board would review that.</p> <p>22 Potentially a supervisor department -- department</p> <p>23 head an elected official, because if they would ask</p> <p>24 for a new position, they could come to the salary</p> |

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| <p>Page 132</p> <p>1 board and provide, you know, their justification as</p> <p>2 to why if there's any questions as to why the</p> <p>3 position should be added.</p> <p>4 Q. In addition to the salary board, do the</p> <p>5 commissioners then also have to vote on it?</p> <p>6 A. The commissioners are part of the salary</p> <p>7 board.</p> <p>8 Q. Okay.</p> <p>9 A. So the salary board, I believe, approves</p> <p>10 the new positions. Any changes to the positions,</p> <p>11 that's the salary board function. The</p> <p>12 commissioners do the hiring of people into those</p> <p>13 positions.</p> <p>14 Q. Okay.</p> <p>15 So then -- let me make sure, I think I</p> <p>16 understand.</p> <p>17 The salary board, which includes the</p> <p>18 commissioner, approves the creation or changing of</p> <p>19 positions, the commissioners vote on who fills</p> <p>20 that then position?</p> <p>21 A. Yes.</p> <p>22 Q. Okay. Got it.</p> <p>23 So we -- you just talked a lot about the</p> <p>24 process. It kind of involves -- there was a lot</p> | <p>Page 134</p> <p>1 not sure if the treasurer -- I don't believe the</p> <p>2 treasurer. I think it's the commissioners, the</p> <p>3 controller. I'm just thinking who would get a</p> <p>4 vote. And then if it's an elected official's</p> <p>5 office, they would also get a vote as well on the</p> <p>6 salary board. But if it was a county position, it</p> <p>7 would just be the commissioners and the</p> <p>8 controller, I believe.</p> <p>9 Q. Okay.</p> <p>10 A. I don't think the treasurer is part of</p> <p>11 the salary board.</p> <p>12 Q. Okay.</p> <p>13 A. That I can recall.</p> <p>14 Q. Okay.</p> <p>15 So at -- at some point, Jane Doe 3 and</p> <p>16 Jane Doe 4 were demoted, correct?</p> <p>17 A. Yes.</p> <p>18 Q. And that was, if you recall, March 2021?</p> <p>19 A. Yes.</p> <p>20 Q. After they were demoted, obviously their</p> <p>21 jobs were -- were filled. And at some point Deb</p> <p>22 Dash became the interim director of tax claim,</p> <p>23 correct?</p> <p>24 A. Yes.</p> |
| <p>Page 133</p> <p>1 of people involved.</p> <p>2 What would happen if, let's say, the</p> <p>3 county administrator didn't agree with a creation</p> <p>4 of a new position?</p> <p>5 MS. PIPAK: Object to the form.</p> <p>6 You can answer.</p> <p>7 THE WITNESS: Either, one, it</p> <p>8 wouldn't be brought -- put on the agenda for</p> <p>9 review or it -- I don't know what his process</p> <p>10 would be to inform the commissioners or the salary</p> <p>11 board regarding such a request and why he did not</p> <p>12 believe it was something that would be appropriate</p> <p>13 to add.</p> <p>14 BY MS. SMITH:</p> <p>15 Q. So then, I guess, based on your</p> <p>16 testimony, is it fair to say that there's no</p> <p>17 written policy or procedure regarding this</p> <p>18 process?</p> <p>19 A. Not to my knowledge.</p> <p>20 Q. Okay.</p> <p>21 Who sits on the salary board, it's the</p> <p>22 commissioners?</p> <p>23 A. So, let me think. It's the</p> <p>24 commissioners, the controller, and I don't -- I'm</p>                          | <p>Page 135</p> <p>1 Q. Do you recall if she was the interim</p> <p>2 director of tax claim in August of 2021?</p> <p>3 A. Yes.</p> <p>4 Q. Okay.</p> <p>5 So Ms. Dash as the interim -- I'm sorry.</p> <p>6 She was -- was she the interim director of tax</p> <p>7 claim or the interim assistant director?</p> <p>8 A. The interim assistant.</p> <p>9 Q. Okay.</p> <p>10 And in that, she had the authority to</p> <p>11 allow employees of the office she supervised, to</p> <p>12 work from home as needed?</p> <p>13 A. She could, yes. She -- she could have</p> <p>14 that recommendation come through and then it would</p> <p>15 be reviewed by myself and then I would review</p> <p>16 those with my supervisor as well.</p> <p>17 MS. SMITH: Going to mark 2759 and</p> <p>18 2760 as 108.</p> <p>19 - - -</p> <p>20 (Zula 2759-2760 marked as Exhibit-108</p> <p>21 for identification.)</p> <p>22 - - -</p> <p>23 BY MS. SMITH:</p> <p>24 Q. Ms. Zula, do you recognize this</p>                                   |



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| <p>1 document?</p> <p>2 A. Yes.</p> <p>3 Q. This is an e-mail chain from --</p> <p>4 including you, Ms. Dash, and Mr. Bender, correct?</p> <p>5 A. Yes.</p> <p>6 Q. Do you see Ms. Dash's e-mail at the</p> <p>7 bottom of Page 1, on Friday, August 27th, stating</p> <p>8 that this will confirm that Denise Burke worked</p> <p>9 form home on Wednesday, Thursday, Friday of this</p> <p>10 week. She plans to continue working from home</p> <p>11 next week as well?</p> <p>12 A. Yes.</p> <p>13 Q. Do you recall, was there any prior</p> <p>14 approval of Denise Burke working from home</p> <p>15 Wednesday, Thursday, and Friday that week?</p> <p>16 A. Yes.</p> <p>17 Q. How did that come to you?</p> <p>18 A. Ms. Dash had come to us to explain the</p> <p>19 situation regarding Ms. Burke's personal</p> <p>20 circumstances and indicated that there was work</p> <p>21 that she was able to do from home and requested</p> <p>22 that we permit her to do so. And after that</p> <p>23 discussion, we did permit Ms. Burke to work from</p> <p>24 home for that limited period of time.</p> | <p>Page 136</p> | <p>1 worked from home, correct?</p> <p>2 A. No. That didn't -- that decision</p> <p>3 didn't -- I mean, that -- those qualifications</p> <p>4 played into whether or not they could be at work,</p> <p>5 physically at work. And then based upon, you</p> <p>6 know, the situation with each particular employee,</p> <p>7 we would review based upon the request of the</p> <p>8 supervisor, as to whether or not there was work</p> <p>9 and if the employee was able to work from home</p> <p>10 given their condition.</p> <p>11 I believe hers was COVID related. I could</p> <p>12 be wrong, but I believe it was COVID related. And</p> <p>13 so the request was made that there was work to do.</p> <p>14 She was feeling up to doing work, she just couldn't</p> <p>15 be in -- physically in the office to do it and</p> <p>16 therefore we approved it.</p> <p>17 Q. Okay.</p> <p>18 Other than a verbal conversation, there</p> <p>19 was no paperwork submitted?</p> <p>20 A. If it was COVID related, we typically</p> <p>21 got to test results, so -- but...</p> <p>22 Q. Other than that?</p> <p>23 A. But other than that, no, there would</p> <p>24 have been no paperwork submitted, to my knowledge.</p> | <p>Page 138</p> |
| <p>1 Q. Who was the we?</p> <p>2 A. Mr. Bender and I.</p> <p>3 Q. And this is a verbal conversation you</p> <p>4 had with Ms. Dash?</p> <p>5 A. Yes.</p> <p>6 Q. What day did that occur?</p> <p>7 A. I don't recall.</p> <p>8 Q. How -- was it the same week that she</p> <p>9 worked from home or was it before that?</p> <p>10 A. Yes, it would have been -- it would have</p> <p>11 been before she actually worked from home.</p> <p>12 Q. Was it the same week or a week prior?</p> <p>13 A. I think it was the same week, if I'm</p> <p>14 thinking of the correct situation. I think it was</p> <p>15 COVID related, I believe.</p> <p>16 Q. You believe that this August 2021</p> <p>17 approval to work from home was related to COVID?</p> <p>18 A. I believe so.</p> <p>19 Q. Was the county not utilizing COVID</p> <p>20 quarantine at that point?</p> <p>21 A. Yes.</p> <p>22 Q. And if an individual was vaccinated</p> <p>23 versus non-vaccinated, symptomatic or</p> <p>24 non-symptomatic played into whether an individual</p>                                                             | <p>Page 137</p> | <p>1 Q. Okay.</p> <p>2 Are you aware that in March 2021,</p> <p>3 Christine Zimmerman was permitted to work from the</p> <p>4 field/home Monday through Friday?</p> <p>5 A. I don't recall that particular</p> <p>6 situation.</p> <p>7 MS. SMITH: Zula 707 and 708, it's</p> <p>8 going to be Exhibit-109.</p> <p>9 - - -</p> <p>10 (Zula 707-708 marked as Exhibit-109 for</p> <p>11 identification.)</p> <p>12 - - -</p> <p>13 BY MS. SMITH:</p> <p>14 Q. Do you recognize this document, Ms.</p> <p>15 Zula?</p> <p>16 A. Yes. I've seen -- well, I have seen the</p> <p>17 form before. I don't recall seeing</p> <p>18 Ms. Zimmerman's form, but I do -- I am familiar</p> <p>19 with the telecommuting agreement, yes.</p> <p>20 Q. Okay.</p> <p>21 And what's your understanding of when</p> <p>22 one of these forms, one of these short-term</p> <p>23 telecommunicating agreements needs to be</p> <p>24 completed?</p>                                                                                                                                                                                                                                                                                            | <p>Page 139</p> |



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| <p style="text-align: right;">Page 140</p> <p>1 A. This was a process, my understanding,<br/>2 when COVID first hit that the county put into<br/>3 place that if an employee would need to work from<br/>4 home on a limited basis, that they could make that<br/>5 request.<br/>6 Q. Okay.<br/>7 And so why was this form not utilized<br/>8 for Ms. Dash?<br/>9 A. For Ms. Burke, you mean?<br/>10 Q. I'm sorry. Yes. Ms. Burke.<br/>11 A. I don't recall. I mean, it was just not<br/>12 something we did on a regular basis, and so we<br/>13 didn't -- I didn't have her fill the form out.<br/>14 Q. Okay.<br/>15 Page 2 of this document, Zula 708,<br/>16 indicates human resource's signature.<br/>17 Do you recall if this was ever approved?<br/>18 A. I don't recall. I don't recall this<br/>19 particular situation.<br/>20 Q. Okay.<br/>21 Do you know if Tiffany Mayer, Tiffany<br/>22 Keel was permitted to work from her vehicle/home<br/>23 Monday through Friday in March of 2021?<br/>24 A. That I don't recall either.</p> | <p style="text-align: right;">Page 142</p> <p>1 Ms. Mayers says her vehicle?<br/>2 A. From home, from the vehicle. They had<br/>3 iPads that they could upload their work or submit<br/>4 their work. I'm not exactly sure of the process.<br/>5 Q. Okay.<br/>6 And so we talked about this a little bit<br/>7 earlier, prior to your employment, the county had<br/>8 made a decision to have Jane Doe 1 and Jane Doe 2<br/>9 relocated from the courthouse to the County's 410<br/>10 Building, correct?<br/>11 A. Yes.<br/>12 Q. And it was, I think you said, on your<br/>13 first day of employment that they started in<br/>14 that -- physically started in that building,<br/>15 correct?<br/>16 A. Yes.<br/>17 Q. I know you said you had a conversation<br/>18 with Ms. Kutzler about it. Can you tell us a<br/>19 little bit more of what exactly Ms. Kutzler told<br/>20 you as to why they were relocated?<br/>21 A. She told me based upon the claims that<br/>22 were filed, that they were to not have or limit --<br/>23 limited contact or in an effort to limit their<br/>24 contact with Mr. Halcovage, that they were going</p> |
| <p style="text-align: right;">Page 141</p> <p>1 MS. SMITH: 70 -- Zula 709 to 710,<br/>2 it's going to be 10 -- 110.<br/>3 ---<br/>4 (Zula 709-710 marked as Exhibit-110 for<br/>5 identification.)<br/>6 ---<br/>7 BY MS. SMITH:<br/>8 Q. This is a similar form, but this one is<br/>9 for Tiffany Mayer, correct?<br/>10 A. Yes.<br/>11 Q. Do you know if this one was ever<br/>12 approved?<br/>13 A. I don't recall.<br/>14 Q. Do you have any reason to believe that<br/>15 Ms. Zimmerman and Ms. Mayer were not permitted to<br/>16 work from locations, other than the courthouse,<br/>17 the field, a vehicle, and their home Monday<br/>18 through Friday March of 2021?<br/>19 A. I know in their positions as field<br/>20 appraisers, they did a vast majority of their work<br/>21 out in the field. And there were times where they<br/>22 did then finish up their paperwork from a<br/>23 different location, yes, I was familiar with that.<br/>24 Q. Meaning from -- I mean, I think</p>                                       | <p style="text-align: right;">Page 143</p> <p>1 to be placed -- their offices placed -- moved to a<br/>2 different location.<br/>3 Q. Okay.<br/>4 Did you have any conversations with her<br/>5 about why that particular building was selected?<br/>6 A. Not that I recall, no.<br/>7 Q. Did you have any conversations with her<br/>8 about the fact that prior to that, Jane Doe 2 and<br/>9 Jane Doe 1 had requested to work from home?<br/>10 A. It was my understanding that she did --<br/>11 she informed me that, yes, they were indeed<br/>12 working from home prior to coming back to the work<br/>13 at the 410 Building.<br/>14 Q. Did she indicate to you that they wanted<br/>15 to continue to work from home and not go to the<br/>16 410 Building?<br/>17 A. Yes. That become abundantly clear<br/>18 through my employment, that they did not want to<br/>19 be at the 410 Building.<br/>20 Q. But in that -- those kind of initial<br/>21 conversations with Ms. Kutzler, did she inform you<br/>22 of that?<br/>23 A. I don't recall if she actually said<br/>24 that. I don't recall, but...</p>                              |

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| <p>Page 144</p> <p>1 Q. Did she tell you why they had been moved</p> <p>2 from the work from home status to a county</p> <p>3 building?</p> <p>4 A. Ms. Kutzler specifically, I don't recall</p> <p>5 if she informed me why.</p> <p>6 Q. Do you recall having any conversation</p> <p>7 with Ms. Kutzler about the accessibility of the</p> <p>8 410 Building to the public?</p> <p>9 A. Not that I recall, no.</p> <p>10 Q. Are you aware that the 410 Building is</p> <p>11 accessible to the public without a county-issued</p> <p>12 keycard?</p> <p>13 A. Yes. I believe you can walk in the</p> <p>14 door, the main door, yes.</p> <p>15 Q. Because the 410 Building houses the</p> <p>16 election bureau, correct?</p> <p>17 A. Yes.</p> <p>18 Q. And the public needs to access the</p> <p>19 election bureau?</p> <p>20 A. Yes.</p> <p>21 Q. Okay.</p> <p>22 You're obviously familiar with 410</p> <p>23 Building; fair to say?</p> <p>24 A. Yes.</p>                                                                                                                                                                                                                                                                                                                | <p>Page 146</p> <p>1 certain if the door leading into the human</p> <p>2 services office is locked all the time. That I</p> <p>3 don't know.</p> <p>4 Q. Okay.</p> <p>5 A. I don't recall that.</p> <p>6 Q. When is the first time after January 11,</p> <p>7 2021, that you viewed either Jane Doe 2 or Jane</p> <p>8 Doe 1's office spaces in the 410 Building?</p> <p>9 A. The first time would have been -- I</p> <p>10 believe I had a meeting with both Jane Doe 1 and</p> <p>11 Jane Doe 2 in Jane Doe 1's office in the 410</p> <p>12 Building. I don't exactly recall when that was,</p> <p>13 but that would have been the first time.</p> <p>14 Q. Do you know, was it in January 2021?</p> <p>15 A. No. I think it was later than that.</p> <p>16 Q. Later than February?</p> <p>17 A. Probably even later. Yeah, March, April</p> <p>18 time frame maybe.</p> <p>19 Q. Were you ever made aware that a</p> <p>20 Qualified Cleaning Company was allegedly hired to</p> <p>21 clean Jane Doe 1 and Jane Doe 2's 410 office</p> <p>22 space?</p> <p>23 A. Yes.</p> <p>24 Q. When were you made aware of that?</p>                                                                            |
| <p>Page 145</p> <p>1 Q. Jane Doe 2 and Jane Doe 1 each were</p> <p>2 assigned unique offices within that building?</p> <p>3 A. Yes.</p> <p>4 Q. And Jane Doe 1's is not -- is accessible</p> <p>5 by the public if the door is open, correct?</p> <p>6 A. Yes. From -- Jane Doe 1's office was</p> <p>7 located, you walked in the main door by the</p> <p>8 election bureau and there was a long hallway. The</p> <p>9 drug and alcohol, I think it was, mental health</p> <p>10 was on the right. There's a stairwell and then</p> <p>11 Jane Doe 1's office was located outside of the --</p> <p>12 on the opposite side of the mental health and drug</p> <p>13 and alcohol office.</p> <p>14 Q. And it's a singular office, correct?</p> <p>15 A. Yes. Her office was a singular office.</p> <p>16 Q. So she either had to have her door shut</p> <p>17 and locked in order for privacy or open and she</p> <p>18 would be accessible to the public, correct?</p> <p>19 A. Yes.</p> <p>20 Q. Jane Doe 2's was located inside of a</p> <p>21 larger office space behind a key door, correct?</p> <p>22 A. I don't know if it's a keyed door. The</p> <p>23 human services office, there's like a receptionist</p> <p>24 desk area there and so -- but I don't -- I'm not</p> | <p>Page 147</p> <p>1 A. I believe when they returned to the</p> <p>2 offices, that both Jane Doe 1 and Jane Doe 2</p> <p>3 reported that their offices -- they weren't happy</p> <p>4 with the conditions of the offices. And then</p> <p>5 after that report was made, Ms. Kutzler and Mr.</p> <p>6 Bender and I had discussions that they did have</p> <p>7 the office professionally cleaned by SERVPRO. And</p> <p>8 I believe then Ms. Kutzler also when down to</p> <p>9 view -- well, she was actually there to view the</p> <p>10 offices when they arrived on January 11th.</p> <p>11 Q. So on January 11th, it's your</p> <p>12 understanding Ms. Kutzler went to the 410 Building</p> <p>13 with Jane Doe 1 and Jane Doe 2 and gave them their</p> <p>14 keys, correct?</p> <p>15 A. Yes. She met with them on their first</p> <p>16 and day back.</p> <p>17 Q. And it's your understanding she viewed</p> <p>18 their offices that day?</p> <p>19 A. Yes, I believe so.</p> <p>20 Q. Okay.</p> <p>21 So there's a conversation between you,</p> <p>22 Mr. Bender, Ms. Kutzler after Jane Doe 2 and Jane</p> <p>23 Doe 1 made complaints about the condition of their</p> <p>24 offices?</p> |

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| <p>Page 148</p> <p>1 A. Yes.</p> <p>2 Q. And what was the content of that</p> <p>3 conversation?</p> <p>4 A. That you -- they weren't -- well, that</p> <p>5 they didn't understand why the conditions of the</p> <p>6 office were not acceptable because they were</p> <p>7 professionally cleaned. That those offices were</p> <p>8 occupied by other county employees with no issues</p> <p>9 in the past. And that we discussed what, you</p> <p>10 know, remedies we could do to alleviate their</p> <p>11 concerns or complaint.</p> <p>12 Q. What were those options to alleviate</p> <p>13 their concerns and complaints?</p> <p>14 A. So I think one of the complaints was</p> <p>15 that there were ceiling tiles that had black,</p> <p>16 like, spots on them. So we had contacted the --</p> <p>17 well, the maintenance department was contacted to</p> <p>18 replace the ceiling tiles. There were additional</p> <p>19 boxes, I think, that were left in one of the -- I</p> <p>20 think it was Jane Doe 2's office that were from --</p> <p>21 I don't know, whoever the person was in there</p> <p>22 prior. I think there was some IT equipment</p> <p>23 potentially. So we made arrangements with the IT</p> <p>24 department to go down there and clean that -- that</p> | <p>Page 150</p> <p>1 Do you recall when that conversation --</p> <p>2 A. It would have been right -- right around</p> <p>3 the time that they may made the complaints.</p> <p>4 MS. SMITH: Okay. Mark this as</p> <p>5 Exhibit 111, it's Zula 318 and 319.</p> <p>6 - - -</p> <p>7 (Zula 318-319 marked as Exhibit-111 for</p> <p>8 identification.)</p> <p>9 - - -</p> <p>10 BY MS. SMITH:</p> <p>11 Q. Ms. Zula, do you recognize this</p> <p>12 document -- this e-mail chain?</p> <p>13 A. Yes.</p> <p>14 Q. I -- I see that you're your not CC'ed on</p> <p>15 the first e-mail, but given how it's formatted, it</p> <p>16 appears that when Ms. Kutzler sent an e-mail, her</p> <p>17 e-mail on January 13th at 8:36, it was including</p> <p>18 the -- Jane Doe 3's January 13, 7:23 a.m. e-mail.</p> <p>19 Is that a fair representation of this document?</p> <p>20 A. Yes.</p> <p>21 Q. Okay.</p> <p>22 So is it fair to say then as of</p> <p>23 January 13th, you were notified, as well as others</p> <p>24 at the county, were notified as to the conditions</p> |
| <p>Page 149</p> <p>1 stuff out.</p> <p>2 Q. Okay.</p> <p>3 Was any other cleaning company brought</p> <p>4 in to clean the offices after the SERVPRO company</p> <p>5 came in?</p> <p>6 A. I'm not certain.</p> <p>7 Q. Okay.</p> <p>8 Did you -- you --</p> <p>9 A. I --</p> <p>10 Q. You are not certain as you sit here</p> <p>11 today or are you just -- you had no involvement in</p> <p>12 it?</p> <p>13 A. I had no involvement in it. I know that</p> <p>14 there is a cleaning company for that building, but</p> <p>15 what areas of the building it cleans, I have no</p> <p>16 idea.</p> <p>17 Q. Okay.</p> <p>18 The conversation that -- that you were</p> <p>19 just describing between yourself, Defendant</p> <p>20 Bender, and Defendant Kutzler, did that happen</p> <p>21 before or after you viewed the office spaces in</p> <p>22 March and April -- March or April?</p> <p>23 A. That happened before.</p> <p>24 Q. Okay.</p>                                                                                                                                                                                                                                                                                                                                          | <p>Page 151</p> <p>1 and the -- the dissatisfaction with the conditions</p> <p>2 of Jane Doe 1 and Jane Doe 2's offices?</p> <p>3 A. Yes. We were made aware of their</p> <p>4 dissatisfaction.</p> <p>5 Q. Okay.</p> <p>6 Did -- to your knowledge, did anyone</p> <p>7 ever contact SERVPRO to contest how the offices</p> <p>8 were cleaned and the payment made to them?</p> <p>9 A. I'm not aware.</p> <p>10 MS. SMITH: Going to look at Zula</p> <p>11 515, Exhibit 112.</p> <p>12 - - -</p> <p>13 (Zula 515 marked as Exhibit-112 for</p> <p>14 identification.)</p> <p>15 - - -</p> <p>16 BY MS. SMITH:</p> <p>17 Q. Do you recognize this e-mail?</p> <p>18 A. Yes.</p> <p>19 Q. This is an e-mail from Jane Doe 2 to</p> <p>20 numerous individuals at the county, including</p> <p>21 yourself, correct?</p> <p>22 A. Yes.</p> <p>23 Q. And it's dated February 26, 2021,</p> <p>24 correct?</p>                                                                                                                                                                     |

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| <p>Page 152</p> <p>1 A. Uh-huh.</p> <p>2 Q. Is that a yes?</p> <p>3 A. Yes.</p> <p>4 Q. Her first sentence she states that</p> <p>5 sometime between October and December of 2020, I</p> <p>6 was informed by the county that my office/work</p> <p>7 space was being relocated to a vacant room within</p> <p>8 another department in the 410 Building.</p> <p>9 Do you see that?</p> <p>10 A. Yes.</p> <p>11 Q. Did you come to learn that prior to</p> <p>12 January 11, 2021, the county had attempt to have</p> <p>13 Jane Doe 2 and Jane Doe 1 work from the 410</p> <p>14 Building?</p> <p>15 A. I was not privy to any of those</p> <p>16 conversations and I did not get any of that</p> <p>17 information. I was just told that they were being</p> <p>18 returned back to work from working from home in</p> <p>19 January of 2021.</p> <p>20 Q. So I understand that at time in</p> <p>21 January of 2021, you may not have known this, but</p> <p>22 at any point, or is today the first day, did you</p> <p>23 learn that there was efforts prior to January</p> <p>24 2021, that efforts were made to locate them there?</p> | <p>Page 154</p> <p>1 I just was going to point you to the</p> <p>2 section.</p> <p>3 A. Yes.</p> <p>4 Q. And in fact, in Doreen Kutzler's e-mail,</p> <p>5 she suggests that -- or asks, is it possible to</p> <p>6 switch them out, the ceiling tiles out, as well</p> <p>7 as -- I'm sorry.</p> <p>8 She says why don't -- she asks, is it</p> <p>9 possible to switch them out, correct?</p> <p>10 A. Yes.</p> <p>11 Q. Do you know why between January 13th of</p> <p>12 2021, and February 26, 2021, these issues were not</p> <p>13 addressed?</p> <p>14 A. No, I don't.</p> <p>15 Q. Did you, between those dates, January</p> <p>16 13, 2021, February 26, 2021, take any action to</p> <p>17 have those issues corrected?</p> <p>18 A. As I indicated earlier, Ms. Kutzler and</p> <p>19 I did have conversations with Mr. Bender that we</p> <p>20 were going -- that we wanted to have that action</p> <p>21 and my understanding was the maintenance</p> <p>22 department was made aware of those requests.</p> <p>23 Q. What was your understanding of whom</p> <p>24 made -- of who made maintenance aware of those</p> |
| <p>Page 153</p> <p>1 A. No, I was not aware -- made aware of</p> <p>2 that.</p> <p>3 Q. So this is the first time?</p> <p>4 A. Yeah. I was not aware that they --</p> <p>5 there were -- what efforts were made prior to</p> <p>6 January of 2021.</p> <p>7 Q. Okay.</p> <p>8 Jane Doe 2 goes on in Paragraph 1 to</p> <p>9 indicate that there are still concerns regarding</p> <p>10 her office that need to be addressed.</p> <p>11 Would you agree?</p> <p>12 A. Yes.</p> <p>13 Q. And one of those is the water-stained</p> <p>14 ceiling tiles, which she indicates that pieces of</p> <p>15 tile are falling on her or falling, containing</p> <p>16 mold spores and other issues including supplies</p> <p>17 and documents still being in her office, correct?</p> <p>18 A. Yes.</p> <p>19 Q. If we look back to Exhibit -- if we look</p> <p>20 back to 111, which is Zula 318 and 319, these</p> <p>21 issues were listed in Jane Doe 3's e-mail,</p> <p>22 correct? If we look to the first --</p> <p>23 A. Yeah, I'm reading.</p> <p>24 Q. Okay.</p>                                                                           | <p>Page 155</p> <p>1 requests?</p> <p>2 A. I don't know. I believe it was Gary.</p> <p>3 I'm not exactly certain though. I know I did not.</p> <p>4 Q. Okay.</p> <p>5 So where did your knowledge or belief</p> <p>6 that someone had made maintenance aware come from?</p> <p>7 A. Based on our conversations.</p> <p>8 Q. So did someone say, I made maintenance</p> <p>9 aware or did -- what happened? How did you come</p> <p>10 to --</p> <p>11 A. Well, yeah. We talk about Paul</p> <p>12 Federooff, he was the maintenance manager, that he</p> <p>13 was made aware that we need to make these changes</p> <p>14 and to resolve the issue.</p> <p>15 Q. Okay.</p> <p>16 But you don't know who told Paul</p> <p>17 Federooff?</p> <p>18 A. I don't.</p> <p>19 Q. Do you know if a work order was put in?</p> <p>20 A. I do not.</p> <p>21 MS. SMITH: All right. We're going</p> <p>22 to look to Zula 630 to 632. It's going to be</p> <p>23 marked as Exhibit-113.</p> <p>24 - - -</p>                                                                                                                                     |



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| <p style="text-align: right;">Page 156</p> <p>(Zula 630-632 marked as Exhibit-113 for identification.)</p> <p style="text-align: center;">- - -</p> <p>BY MS. SMITH:</p> <p>Q. Do you recognize this e-mail chain, Ms. Zula?</p> <p>A. Yes.</p> <p>Q. Again, I -- I see that you're not CC'ed on the first e-mail in the chain, which is the second and third page, but you are -- it appears Jane Doe 3 forwarded that first e-mail to you in the second e-mail, which begins on the first page; is that correct?</p> <p>A. Yes.</p> <p>Q. Okay.</p> <p>And again, Jane Doe 2 in her e-mail, the first in the chain on Page 2 onto 3 on Friday, March 5, 2021, again, addresses issues that are -- that she is still having in her office as of that date, correct?</p> <p>A. Can you repeat that? I'm sorry.</p> <p>Q. So Jane Doe 2 e-mailed Jane Doe 3 on March 5, 2021.</p> <p>Would you agree?</p>                                                                   | <p style="text-align: right;">Page 158</p> <p>Q. Did you ever ask her if she wanted to move offices?</p> <p>A. No. That was a discussion that I had with Mr. Bender about potentially moving her office into Elaine Gilbert's area, which is the drug and alcohol, mental health.</p> <p>Q. Her office was never moved, correct?</p> <p>A. No, it was not.</p> <p>Q. Why wasn't it moved?</p> <p>A. Mr. Bender made the decision not to move her office.</p> <p>Q. Do you know why?</p> <p>A. No.</p> <p>Q. Did he instruct you to speak with or to not to speak with Jane Doe 2 about that option?</p> <p>A. No, he did not.</p> <p>Q. Did you ever ask him if you could speak with her to figure out what she would want?</p> <p>A. No, I didn't ask him that question.</p> <p>Q. In January of 2021, so let's start specifically January 11, 2021, when you learned about Jane Doe 2 and Jane Doe 1's relocation to the 410 Building, what was your understanding or knowledge of parking assignments at that building?</p> |
| <p style="text-align: right;">Page 157</p> <p>A. Yes.</p> <p>Q. And in it, she indicates that as of March 4th, the tiles were just getting replaced, correct?</p> <p>A. Yes.</p> <p>Q. And Jane Doe 2, in her e-mail, also addresses other concerns regarding who accessed her office, correct?</p> <p>A. Yes, correct.</p> <p>Q. And when Jane Doe 3 forwards her e-mail, she raises concerns as well from Jane Doe 2 that Jane Doe 2 is not being treated in a friendly manner by those in the office to which she was reassigned, correct?</p> <p>A. Yes. She made those indications.</p> <p>Q. And she indicates that this is only adding to the daily stress that Jane Doe 2 was already experiencing, correct?</p> <p>A. Yes. That's what she indicated.</p> <p>Q. Did you ever speak to Jane Doe 2 about these concerns, either the ones raised by her or the ones raised by Jane Doe 3?</p> <p>A. I don't recall specifically speaking to her about these, no.</p> | <p style="text-align: right;">Page 159</p> <p>A. At that point in time, I had no knowledge of parking assignments at that building.</p> <p>Q. Okay.</p> <p>At some point, did you come to learn about parking at that building?</p> <p>A. Yes.</p> <p>Q. Do you recall when that was?</p> <p>A. Oh, that was -- I don't recall the exact date, but it was much later in my employment tenure.</p> <p>Q. Okay.</p> <p>If you recall we met at a -- as sexual violence protection order --</p> <p>A. Yes.</p> <p>Q. -- hearing at the courthouse, correct?</p> <p>A. Yes.</p> <p>Q. I'm going to represent to you I believe that was in May of 2021. Do you recall if prior -- because you and I had discussions, along with others, about parking at the 410 Building, correct?</p> <p>A. Yes. That would have been probably the first time I knew about parking situation at the 410 Building.</p>                                                                                                                             |



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| <p>Page 160</p> <p>1 Q. You believe that was the first time?</p> <p>2 A. Yes.</p> <p>3 Q. Okay.</p> <p>4 As a result of that conversation in</p> <p>5 which Mr. Roth was present, correct?</p> <p>6 A. Yes.</p> <p>7 Q. Did you take any action or conduct any</p> <p>8 investigation to figure out if Jane Doe 2 or Jane</p> <p>9 Doe 1 could be assigned a space at the 410</p> <p>10 Building?</p> <p>11 A. Yes.</p> <p>12 Q. What action or investigation did you</p> <p>13 take?</p> <p>14 A. Well, based upon your request at the</p> <p>15 hearing, I did discuss it with Mr. Bender, that</p> <p>16 the request was made for a parking space directly</p> <p>17 outside of the 410 Building. And he made the</p> <p>18 determination that a space would not be provided.</p> <p>19 Q. Mr. Bender made the determination?</p> <p>20 A. Yes.</p> <p>21 Q. Do you know if he consulted with anyone?</p> <p>22 A. I don't know.</p> <p>23 Q. Is it your understanding that Mr. Bender</p> <p>24 has the authority to assign county -- strike that.</p>                                                                              | <p>Page 162</p> <p>1 provided the information that was requested.</p> <p>2 Q. Okay.</p> <p>3 Was Glen Roth involved in your</p> <p>4 discussions with Mr. Bender at all?</p> <p>5 A. I believe he was there, yes, because --</p> <p>6 MS. IPPOLITO: I am going to object</p> <p>7 --</p> <p>8 MS. PIPAK: To any conversations</p> <p>9 you may have had with Mr. Roth.</p> <p>10 THE WITNESS: Okay.</p> <p>11 BY MS. SMITH:</p> <p>12 Q. Again, I am not asking for the contents,</p> <p>13 but he was there?</p> <p>14 A. I believe he was there, yes.</p> <p>15 Q. Did he provide any input?</p> <p>16 MS. PIPAK: Objection.</p> <p>17 THE WITNESS: I don't -- I don't</p> <p>18 recall.</p> <p>19 BY MS. SMITH:</p> <p>20 Q. Okay.</p> <p>21 A. I don't recall.</p> <p>22 Q. What was your understanding -- strike</p> <p>23 that.</p> <p>24 In January 11th of 2021, when you</p>                                                                                                                                                                                                                                                                                                                                                                                                                                         |
| <p>Page 161</p> <p>1 Let's start with this: The 410 Building</p> <p>2 is a county-owned building, correct?</p> <p>3 A. Yes.</p> <p>4 Q. And the parking lot is a county-owned</p> <p>5 parking lot, correct?</p> <p>6 A. I believe so, yes.</p> <p>7 Q. Okay.</p> <p>8 So do you know who has the authority,</p> <p>9 whether it be one or multiple individuals, the</p> <p>10 authority to assign parking spaces at the 410</p> <p>11 Building?</p> <p>12 A. I believe the parking assignments are</p> <p>13 managed by -- and I don't know her title, within</p> <p>14 the human services office. I think her name was</p> <p>15 Sharon Love. She kind of managed the parking</p> <p>16 situation at that building. But she reported to</p> <p>17 Mr. Bender, so I'm assuming if he would have made</p> <p>18 a determination to issue parking to someone, that</p> <p>19 it would have been done.</p> <p>20 Q. Okay.</p> <p>21 Did you provide your input as to whether</p> <p>22 parking spaces should be assigned to Jane Doe 2</p> <p>23 and Jane Doe 1 at that building?</p> <p>24 A. I don't believe I provided my input. I</p> | <p>Page 163</p> <p>1 started with the county, did you learn if -- what</p> <p>2 or if any restrictions were placed on Defendant</p> <p>3 Halcovage's access to the courthouse?</p> <p>4 A. I don't -- I don't recall if -- what the</p> <p>5 specific restrictions were back in January. I do</p> <p>6 know that I recall being told, and I don't know if</p> <p>7 this happened -- I think this happened prior to me</p> <p>8 starting, that Mr. Halcovage had to be wanded in</p> <p>9 by the sheriff's office. I think he was met down</p> <p>10 by the back entrance of the courthouse. There's</p> <p>11 an entrance where employees park, he was wanded</p> <p>12 and then he was permitted to come up into the</p> <p>13 courthouse. I don't know if that was the</p> <p>14 restriction that was in place right when I</p> <p>15 started, but I know that kind of morphed over the</p> <p>16 next several months.</p> <p>17 Q. Were you aware that Defendant Halcovage</p> <p>18 was outright restricted from entering the 410</p> <p>19 Building?</p> <p>20 A. Yes. There was discussion with -- I</p> <p>21 know Mr. Bender had advised that there was</p> <p>22 discussion that Mr. Halcovage was not to be going</p> <p>23 down to the 410 Building unless he was accompanied</p> <p>24 by another individual.</p> |

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| <p>Page 164</p> <p>1 Q. When you started, do you know, was<br/>2 Defendant Halcovege to be escorted by another<br/>3 individual when in the courthouse as well or just<br/>4 --<br/>5 A. I don't know if that was in place when I<br/>6 first started, but that eventually became the --<br/>7 the protocol. And I think that actually was in<br/>8 place when I started, that if he was going to<br/>9 travel throughout the courthouse, he would be<br/>10 escorted.<br/>11 Q. And do you know whose decision or<br/>12 agreement that was, where that came from?<br/>13 A. I knew the sheriff was involved. I<br/>14 don't know exactly know -- I'm not exactly sure if<br/>15 that was just an agreement -- I don't -- I don't<br/>16 know who was involved in that.<br/>17 Q. So your understanding is that -- or<br/>18 strike that.<br/>19 At the time that you were hired<br/>20 January 11, 2021, was Commissioner Halcovege still<br/>21 parking in the lower lot?<br/>22 A. I believe so, yes. I believe he was.<br/>23 Q. And do you recall was -- were Jane Doe 3<br/>24 and Jane Doe 4 parking in the upper lot?</p>                                               | <p>Page 166</p> <p>1 VIDEOGRAPHER: The time is now<br/>2 12:20 p.m. and we're going off the record.<br/>3 -- --<br/>4 (Whereupon, brief recess was held off the<br/>5 record.)<br/>6 -- --<br/>7 VIDEOGRAPHER: The time is now<br/>8 1:09 p.m. and we're back on the record.<br/>9 MS. SMITH: Matt, I uploaded<br/>10 another document to the exhibits. It should be<br/>11 Doe supplemental 575.<br/>12 Sorry, for those who wanted paper<br/>13 copies, I don't have copies of this just because<br/>14 it was added on the fly.<br/>15 MS. PIPAK: Sorry. 575?<br/>16 MS. SMITH: Uh-huh.<br/>17 THE TECHNICIAN: Will you be<br/>18 marking this, Counsel?<br/>19 MS. SMITH: Yes. This is going to<br/>20 be Exhibit 114.<br/>21 -- --<br/>22 (Doe 575 marked as Exhibit-114 for<br/>23 identification.)<br/>24 -- --</p> |
| <p>Page 165</p> <p>1 A. I believe they parked in the -- I<br/>2 believe their spots were moved prior to me getting<br/>3 there. And that Mr. Halcovege was parking in the<br/>4 lower lot and they were parking in the upper lot.<br/>5 Q. And I think you testified to this, and<br/>6 just so I am clear, you -- it was your<br/>7 understanding in January of 2021 then that<br/>8 Commissioner Halcovege could park in the lower lot<br/>9 and then enter the commissioner's entrance in --<br/>10 in that lower lot after being wanded by a sheriff;<br/>11 is that correct?<br/>12 A. Yeah. He had to be met by a sheriff,<br/>13 yes.<br/>14 Q. Do you also recall if Commissioner<br/>15 Halcovege was restricted Monday through Friday<br/>16 8:00 a.m. to 4:00 or 5:00 p.m.?<br/>17 A. I don't know if that was something<br/>18 that -- that was in place immediately right when I<br/>19 hired, but I -- when I was hired, but I know that<br/>20 was the restriction that was then placed on him on<br/>21 his access card to the courthouse.<br/>22 MS. SMITH: All right. Now is<br/>23 probably a good time to take a break. We can go<br/>24 off the record.</p> | <p>Page 167</p> <p>1 BY MS. SMITH<br/>2 Q. Ms. Zula, I am --<br/>3 MS. SMITH: So I have the same one<br/>4 on my screen, just so she can look at --<br/>5 BY MS. SMITH:<br/>6 Q. I'm going to ask you to just take a look<br/>7 at -- at this document.<br/>8 MS. FOX: Can you read out the<br/>9 Bates numbers out again?<br/>10 MS. SMITH: It's Doe supplemental<br/>11 575.<br/>12 MS. FOX: Thanks.<br/>13 MS. SMITH: Yup. And Exhibit-114.<br/>14 BY MS. SMITH:<br/>15 Q. Have you reviewed it?<br/>16 A. Yes.<br/>17 Q. Okay. Perfect. Sorry, we're going to<br/>18 have to share this.<br/>19 You are not CC'ed on this, I -- I do see<br/>20 that. But were you ever made aware of the<br/>21 contents in this e-mail?<br/>22 A. Yes.<br/>23 Q. Okay.<br/>24 Do you recall when?</p>                                |

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| <p style="text-align: right;">Page 168</p> <p>1 A. It would have been that day, Ms. Kutzler</p> <p>2 discussed the situation with me and then I did</p> <p>3 participate in some of the discussions.</p> <p>4 Q. Okay.</p> <p>5 And when you say in some of the</p> <p>6 discussions, let's start with who was involved in</p> <p>7 those --</p> <p>8 A. So it was Ms. Kutzler.</p> <p>9 Q. Sorry. Just let me -- it's okay.</p> <p>10 Who was involved in those discussions?</p> <p>11 A. It was Ms. Kutzler and I, and I believe</p> <p>12 we spoke with Jane Doe 3, based upon the e-mail</p> <p>13 that she had sent to Ms. Kutzler. We then</p> <p>14 attempted to reach out to Jane Doe 2 to discuss</p> <p>15 the situation with her and she would not speak to</p> <p>16 us. And we were informed that she would be</p> <p>17 providing us with a statement regarding her</p> <p>18 concerns and the statement was never received.</p> <p>19 Q. So you're saying you never received a</p> <p>20 statement regarding this incident?</p> <p>21 A. No. The only time I seen a statement</p> <p>22 regarding incident from Jane Doe 2 was when -- and</p> <p>23 forgive me because I'm not the lawyer, so whatever</p> <p>24 was filed in March of -- I think it was March,</p> | <p style="text-align: right;">Page 170</p> <p>1 Q. And are you aware that I provided Thomas</p> <p>2 Heinbach, Esquire a statement --</p> <p>3 A. No, I was not because I did not -- I did</p> <p>4 not get it. So if it was provided, I didn't</p> <p>5 receive it.</p> <p>6 Q. Did Ms. -- do you know if Ms. Kutzler</p> <p>7 ever received a statement?</p> <p>8 A. I -- to my knowledge she didn't because</p> <p>9 I think we've had those -- we had those</p> <p>10 discussions.</p> <p>11 Q. That question why she never --</p> <p>12 A. Yeah. We never received a statement.</p> <p>13 We did speak with Mr. Halcovage regarding the</p> <p>14 incident as well and received his side of the</p> <p>15 story.</p> <p>16 Q. Do you recall what his side of the story</p> <p>17 was?</p> <p>18 A. He indicated that he was going to a</p> <p>19 funeral, I believe it was, in St. Claire. I</p> <p>20 believe he -- from what I can recall, he denied</p> <p>21 going to Walmart. I don't think he was at the</p> <p>22 Walmart in that parking lot. He did see Jane Doe</p> <p>23 2 on the highway and then he made the turn to go</p> <p>24 off of the highway into the town to the -- to the</p>                                                                                                                                  |
| <p style="text-align: right;">Page 169</p> <p>1 was -- that's when I was told the statement was</p> <p>2 submitted, whatever paperwork and exhibits or --</p> <p>3 or supplements or whatever they're called was</p> <p>4 submitted. And I think her statement was part of</p> <p>5 that documentation. But I'm not exactly certain.</p> <p>6 But what was the first time. She never submitted</p> <p>7 a statement to us directly.</p> <p>8 Q. When you're referring to March, are you</p> <p>9 referring to March of 2020?</p> <p>10 A. March of 2021. I think there was some</p> <p>11 sort of documents filed in March of 2021 or maybe</p> <p>12 later or maybe it was even later, I don't exactly</p> <p>13 recall what -- because I wasn't involved in that</p> <p>14 first step of the process. So -- but I believe</p> <p>15 one of those filings is where the statement</p> <p>16 appeared and that was the first time that I've</p> <p>17 ever seen this statement from Jane Doe 2 about</p> <p>18 this particular incident.</p> <p>19 Q. Okay.</p> <p>20 Okay.</p> <p>21 Are you aware that Thomas Heinbach,</p> <p>22 Esquire, through me, requested a statement from</p> <p>23 Jane Doe 2?</p> <p>24 A. Yes.</p>                                                      | <p style="text-align: right;">Page 171</p> <p>1 funeral home he was going to for the funeral.</p> <p>2 Q. So do you recall who you -- you said you</p> <p>3 spoke with Jane Doe 3, you attempted to reach Jane</p> <p>4 Doe 2 and you spoke with Defendant Halcovage. Do</p> <p>5 you know what order those occurred in?</p> <p>6 A. I think it was Jane Doe 3 first because</p> <p>7 I think -- well, Doreen did the -- the discussion,</p> <p>8 I just sat in.</p> <p>9 Q. Okay.</p> <p>10 A. And then we attempted to reach out with</p> <p>11 Doreen -- Doreen and I attempted to reach out to</p> <p>12 Jane Doe 2. I believe she was directed through</p> <p>13 Jane Doe 3 to go file a police report with -- I</p> <p>14 think it's, I guess, the St. Claire police</p> <p>15 department. I am not aware if that was ever</p> <p>16 completed. And then when we reached out to her,</p> <p>17 we were told she would provide a statement and I</p> <p>18 don't know if that came from your office or whom,</p> <p>19 that a statement would be provided. We never got</p> <p>20 the statement. And then we did question Mr.</p> <p>21 Halcovage regarding his interactions with Jane Doe</p> <p>22 2 that day.</p> <p>23 Q. So let's start with Jane Doe 3's -- the</p> <p>24 conversation you had with Jane Doe 3. Was it just</p> |

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| <p>Page 172</p> <p>1 you, Ms. Kutzler, and Jane Doe 3 present?</p> <p>2 A. Yes.</p> <p>3 Q. And was that in person?</p> <p>4 A. No. I believe it was on the phone.</p> <p>5 Q. And then you attempted to reach Jane Doe</p> <p>6 2 by phone, correct?</p> <p>7 A. By phone.</p> <p>8 Q. That was just you and Ms. Kutzler?</p> <p>9 A. Yes.</p> <p>10 Q. And then -- then you spoke with Mr.</p> <p>11 Halcovage. Was that you and Ms. Kutzler again?</p> <p>12 A. Yes. That was a day later maybe. It</p> <p>13 wasn't that same day. I don't -- I don't believe</p> <p>14 it was that same day.</p> <p>15 Q. So the conversation with Jane Doe 3 and</p> <p>16 the reach out to Jane Doe 2 were the same day as</p> <p>17 the incident, so January 13th?</p> <p>18 A. Yes, I believe so.</p> <p>19 Q. Okay.</p> <p>20 A. Yes.</p> <p>21 Q. When you spoke with Jane Doe 3, did you</p> <p>22 take any notes, either you or Ms. Kutzler?</p> <p>23 A. I can't recall. I don't know.</p> <p>24 Q. When you spoke with Defendant Halcovage,</p>                                                                                 | <p>Page 174</p> <p>1 union.</p> <p>2 A. Yeah. So like that's what -- yeah.</p> <p>3 Q. Understood. Let's clarify that.</p> <p>4 So if an employee has a complaint or</p> <p>5 reports something such as this incident, a safety</p> <p>6 concern, let's say, would it be typical for the</p> <p>7 county to draft a statement for them to sign based</p> <p>8 on their reports or would they say, hey, can you</p> <p>9 draft a statement and provide it to us?</p> <p>10 A. During my tenure there, we would utilize</p> <p>11 the documentation that we received from the</p> <p>12 employee. The employee would provide us with that</p> <p>13 information. So is this case, we would utilize</p> <p>14 her e-mail, which outlines what occurred.</p> <p>15 Q. So let's say her e-mail was just vague</p> <p>16 and you needed more information, would you just</p> <p>17 then ask her in an e-mail to provide more?</p> <p>18 A. Potentially, yes. Yes, I would.</p> <p>19 Q. So in your time as an employee with the</p> <p>20 county, was there ever a time that statements were</p> <p>21 asked or requested of individuals with issues such</p> <p>22 as a safety concern?</p> <p>23 A. Formalized statements? I'm just trying</p> <p>24 to think. I mean, yeah, they -- I believe there</p> |
| <p>Page 173</p> <p>1 did you take any notes?</p> <p>2 A. I -- I don't remember. I don't know.</p> <p>3 Q. Is it typical county policy that in an</p> <p>4 HR investigation, that notes should be taken?</p> <p>5 A. Yes. I would typically take notes when</p> <p>6 I do meet with employees. So, yes, that would be</p> <p>7 my typical process. I can't recall if I did or I</p> <p>8 didn't though.</p> <p>9 Q. Did you ever ask Jane Doe 3 to write a</p> <p>10 statement?</p> <p>11 A. I don't believe we asked her to write a</p> <p>12 statement, no.</p> <p>13 Q. Did you ever prepare or do you know</p> <p>14 anyone who prepared a statement for Jane Doe 3 to</p> <p>15 sign based off what she report to you?</p> <p>16 A. No. We utilized the e-mail that she</p> <p>17 provided.</p> <p>18 Q. Okay.</p> <p>19 Is it something -- is it -- is it</p> <p>20 typical that HR would write a statement for an</p> <p>21 employee with a grievance or that they'd ask the</p> <p>22 employee to write the grievance?</p> <p>23 A. As far as grievance, meaning?</p> <p>24 Q. Sorry. Yeah, because you guys have a</p> | <p>Page 175</p> <p>1 were -- on occasion, we did have employees prepare</p> <p>2 their own statement and sign it. But typically if</p> <p>3 the employee provided something in writing such as</p> <p>4 an e-mail, I would utilize that, unless there was</p> <p>5 more information that was needed.</p> <p>6 Q. Okay.</p> <p>7 But it would be the employee writing a</p> <p>8 statement and providing it to you?</p> <p>9 A. Yes.</p> <p>10 Q. Okay.</p> <p>11 Do you recall any of those instances?</p> <p>12 A. We had a situation in our MIS department</p> <p>13 where there were some employees making complaints</p> <p>14 about another employee. So, yes, I did ask each</p> <p>15 of them to write a statement and provide it to me</p> <p>16 in writing.</p> <p>17 Q. After you spoke with Defendant Halcovage</p> <p>18 did you ever confirm if there was, in fact, a</p> <p>19 funeral?</p> <p>20 A. Yes.</p> <p>21 Q. And was there?</p> <p>22 A. Yes.</p> <p>23 Q. Did you confirm he was present at it?</p> <p>24 A. Yes.</p>                                                                                                                                                                                                                                                       |



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| <p>Page 176</p> <p>1 Q. And it was in St. Claire?</p> <p>2 A. Yes.</p> <p>3 Q. Did you ever -- or to your knowledge,</p> <p>4 did anyone on behalf of the county ever reach out</p> <p>5 to the St. Claire police department to obtain a</p> <p>6 police report or a copy of the police report?</p> <p>7 A. I did not, no.</p> <p>8 Q. Are you aware of anyone who did?</p> <p>9 A. I'm not aware.</p> <p>10 Q. Do you know how it came that Tom</p> <p>11 Heinbach contact -- contacted me for Jane Doe 2 to</p> <p>12 write a statement?</p> <p>13 MS. PIPAK: Objection to the extent</p> <p>14 your answer reflects any communications you had</p> <p>15 with counsel.</p> <p>16 MS. SMITH: Given that Mr. Heinbach</p> <p>17 reached out to me to ask to write a statement,</p> <p>18 that privilege has been waived.</p> <p>19 MS. PIPAK: It's the privilege for</p> <p>20 her reaching out. If -- I asked -- I said any</p> <p>21 communication she had with counsel. So I'm saying</p> <p>22 any communication she had with counsel --</p> <p>23 MS. SMITH: Given that Mr. Heinbach</p> <p>24 contacted me as result of reports made and asked</p> | <p>Page 178</p> <p>1 Q. I'm sorry.</p> <p>2 Was that before or after you reached out</p> <p>3 to Jane Doe 2?</p> <p>4 A. After.</p> <p>5 Q. Was it before or after you spoke with</p> <p>6 Defendant Halcovage?</p> <p>7 A. Before.</p> <p>8 Q. Did you ever follow up with Mr. Heinbach</p> <p>9 to determine if he had received any information?</p> <p>10 MS. PIPAK: I'm going to object to</p> <p>11 that on attorney-client privilege.</p> <p>12 MS. SMITH: It's not asking for the</p> <p>13 contents, it's asking if she had a conversation.</p> <p>14 MS. PIPAK: You are asked about --</p> <p>15 you are asking about a specific thing, so you're</p> <p>16 asking about the contents of it.</p> <p>17 MS. SMITH: It's not. It's whether</p> <p>18 a conversation occurred is not contents. A</p> <p>19 conversation can occur and it can say a million</p> <p>20 things in --</p> <p>21 MS. PIPAK: The way your question</p> <p>22 was -- was asked, did you ask a question about --</p> <p>23 or did you reach out to him about this --</p> <p>24 MS. SMITH: Did you have -- you can</p>                        |
| <p>Page 177</p> <p>1 my statement -- my client to write a statement,</p> <p>2 would be a waiver of the privilege of the contents</p> <p>3 of the communication.</p> <p>4 MS. PIPAK: That wouldn't be a</p> <p>5 waiver.</p> <p>6 MS. SMITH: Yes, it would.</p> <p>7 MS. PIPAK: No, it wouldn't. I --</p> <p>8 I -- I really -- I don't know any authority that</p> <p>9 that would be a waiver.</p> <p>10 So I'm going to direct you not to</p> <p>11 answer.</p> <p>12 MS. SMITH: Okay. I'm going to</p> <p>13 reserve my write to -- to ask those questions and</p> <p>14 we can brief it with the judge.</p> <p>15 MS. PIPAK: Okay.</p> <p>16 BY MS. SMITH:</p> <p>17 Q. Without disclosing the contents of the</p> <p>18 conversation, did you have any conversation</p> <p>19 regarding this incident with Thomas Heinbach?</p> <p>20 A. Yes.</p> <p>21 Q. Okay.</p> <p>22 Was that before or after you spoke with</p> <p>23 Jane Doe 2?</p> <p>24 A. We didn't speak with Jane Doe 2.</p>                                                                                                                                                           | <p>Page 179</p> <p>1 read back my question. It's did you have a</p> <p>2 conversation. I am not asking for the contents of</p> <p>3 the conversation, it's just simply whether she had</p> <p>4 action to speak with him is not a privileged --</p> <p>5 it's her act of doing something. It's not a</p> <p>6 conversation that's occurring, therefore there is</p> <p>7 no contents to it.</p> <p>8 MS. PIPAK: Okay. Ask the question</p> <p>9 again.</p> <p>10 BY MS. SMITH:</p> <p>11 Q. Did you -- after speaking with</p> <p>12 Mr. Heinbach initially, did you ever reach out to</p> <p>13 him -- did you ever have a conversation again with</p> <p>14 him about this issue?</p> <p>15 MS. PIPAK: Objection.</p> <p>16 BY MS. SMITH:</p> <p>17 Q. Did you ever take that action?</p> <p>18 MS. PIPAK: Objection.</p> <p>19 Do not answer this.</p> <p>20 MS. SMITH: Then we can get the</p> <p>21 judge on the phone because this one is 100</p> <p>22 percent -- it's her act, it is not the contents.</p> <p>23 The contents -- the reason a privilege exists --</p> <p>24 MS. PIPAK: But you're asking about</p> |



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| <p style="text-align: right;">Page 180</p> <p>1 --</p> <p>2 MS. SMITH: I'm not asking about</p> <p>3 the conversation. I'm asking what she did, what</p> <p>4 was her act. Did she reach out to him.</p> <p>5 MS. PIPAK: Ask that question then.</p> <p>6 Ask that question.</p> <p>7 BY MS. SMITH:</p> <p>8 Q. Did you reach out to Thomas Heinbach</p> <p>9 about this incident?</p> <p>10 MS. PIPAK: No. Ask her what she</p> <p>11 did.</p> <p>12 MS. SMITH: What she did is -- is a</p> <p>13 question that is so open ended. What did she do?</p> <p>14 She could have had a party at her house that</p> <p>15 night.</p> <p>16 MS. PIPAK: Right. Ask her that</p> <p>17 question, do not ask her about the conversation</p> <p>18 she had with the attorney.</p> <p>19 MS. SMITH: I don't care what she</p> <p>20 did on her own. I am asking her about this.</p> <p>21 BY MS. SMITH:</p> <p>22 Q. What did you do about this? This --</p> <p>23 after you spoke with Mr. Heinbach the first time</p> <p>24 and then Defendant Halcovage, what else did you do</p>                                                                                                                                     | <p style="text-align: right;">Page 182</p> <p>1 A. Probably the following week because we</p> <p>2 still hadn't received anything.</p> <p>3 Q. Okay.</p> <p>4 And in this -- I'm going to have you</p> <p>5 look at the last paragraph of this e-mail.</p> <p>6 You said you thought you had received</p> <p>7 this e-mail, correct?</p> <p>8 A. I don't recall receiving this e-mail.</p> <p>9 I'm familiar with its contents based upon my</p> <p>10 discussions.</p> <p>11 Q. So --</p> <p>12 A. I don't know if I have got this</p> <p>13 communication or not.</p> <p>14 Q. Okay.</p> <p>15 Are you aware of the contents of the</p> <p>16 second paragraph of this e-mail?</p> <p>17 A. Yes, I was made aware of that.</p> <p>18 Q. Did you, or to your knowledge, did</p> <p>19 anyone on behalf of the county speak with Jane Doe</p> <p>20 3 or Jane Doe 4 regarding their assigned -- I'm</p> <p>21 sorry -- this newly designate commissioner parking</p> <p>22 vehicle spot?</p> <p>23 A. I did not speak with to Jane Doe 3 or</p> <p>24 Jane Doe 4. I'm not sure if anyone else did.</p>                                                                                        |
| <p style="text-align: right;">Page 181</p> <p>1 regarding this incident?</p> <p>2 A. I did follow up with Mr. Heinbach and he</p> <p>3 was aware we never received the statement.</p> <p>4 Q. And so after speaking with Mr. Heinbach,</p> <p>5 you still believed that -- you still had never</p> <p>6 seen a statement?</p> <p>7 A. I never saw the statement.</p> <p>8 Q. Okay.</p> <p>9 Do you recall when that was?</p> <p>10 A. It would have been shortly thereafter</p> <p>11 because we spoke with Mr. Halcovage that same --</p> <p>12 that very next day, I believe it was. And so I</p> <p>13 believe it was probably even a few weeks later</p> <p>14 when we were dealing with some other issues that</p> <p>15 we had that conversation with Mr. Heinbach.</p> <p>16 Q. Okay.</p> <p>17 So this e-mail indicates that</p> <p>18 January 13th was a Wednesday. You said you</p> <p>19 thought you spoke with Mr. Halcovage the next day,</p> <p>20 so likely Thursday, January 14th?</p> <p>21 A. Yeah. Most likely Thursday, yes.</p> <p>22 Q. And then do you know if the conversation</p> <p>23 with Mr. Heinbach occurred on the Thursday, the</p> <p>24 Friday, or the following week?</p> | <p style="text-align: right;">Page 183</p> <p>1 Q. Okay.</p> <p>2 Do you know who designated the spot of</p> <p>3 commissioners vehicle in January of 2021?</p> <p>4 A. Yes. We did -- Doreen and I did look</p> <p>5 into this issue with Mr. Bender. That was -- the</p> <p>6 parking spot was supposed to just say reserved</p> <p>7 because there -- it was to be utilized for</p> <p>8 vendor -- a specific vendor and I don't recall</p> <p>9 which vendor, so that they can come into the</p> <p>10 courthouse and go quickly.</p> <p>11 However, when the maintenance department</p> <p>12 issued -- put the sign up, they thought it would be</p> <p>13 more appropriate that nobody would park there if it</p> <p>14 said commissioner's vehicle, and therefore, that's</p> <p>15 what they put on the sign when the sign was put up.</p> <p>16 MS. SMITH: If we can put Doe</p> <p>17 supplement 583 and 584 on the screen.</p> <p>18 - - -</p> <p>19 (Doe 583-584 marked as Exhibit-115 for</p> <p>20 identification.)</p> <p>21 - - -</p> <p>22 BY MS. SMITH:</p> <p>23 Q. Just before we look at this one, did you</p> <p>24 or did Ms. Kutzler ever write an investigation</p> |

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| <p>Page 184</p> <p>1 report regarding Jane Doe 2's allegations that --</p> <p>2 Jane Doe 3's relayance of those allegations that</p> <p>3 Defendant Halcovage had followed her?</p> <p>4 A. I did not.</p> <p>5 Q. Do you know anyone who did?</p> <p>6 A. No.</p> <p>7 MS. SMITH: 115.</p> <p>8 BY MS. SMITH:</p> <p>9 Q. If we look at the second page to</p> <p>10 supplement 584 of this, you send Jane Doe 3 an</p> <p>11 e-mail on January 15th of 2021. It says: Please</p> <p>12 see the attached correspondence on behalf of</p> <p>13 county administrate Gary R. Bender.</p> <p>14 Do you see that?</p> <p>15 A. Yes.</p> <p>16 Q. Okay.</p> <p>17 This doesn't appear to have an</p> <p>18 attachment to it. But was there an attachment to</p> <p>19 the e-mail?</p> <p>20 A. I believe, yes, it would be this</p> <p>21 document.</p> <p>22 Q. Okay.</p> <p>23 And so you did send Doe Supplemental</p> <p>24 583, the first page of this exhibit to Jane Doe 3,</p> | <p>Page 186</p> <p>1 Q. Okay.</p> <p>2 And it talks about January 13th,</p> <p>3 correct?</p> <p>4 A. Yes.</p> <p>5 Q. So the conversation you were just</p> <p>6 testifying that you were part of occurred on</p> <p>7 January 13th; is that what I'm to understand?</p> <p>8 A. Yes, I believe so.</p> <p>9 Q. Do you remember at time?</p> <p>10 A. No, I do not.</p> <p>11 Q. Okay.</p> <p>12 So it says: While in conversation with</p> <p>13 interim human resources director and new human</p> <p>14 resources director, that would be Doreen Kutzler</p> <p>15 and you, correct?</p> <p>16 A. Uh-huh, yes.</p> <p>17 Q. The question was posed as to why the tax</p> <p>18 assessment employees have not utilized the north</p> <p>19 entrance when exiting -- entering and exiting the</p> <p>20 courthouse.</p> <p>21 Who was the question posed by and to</p> <p>22 whom?</p> <p>23 A. I believe this situation occurred in</p> <p>24 that Mr. Halcovage was going to a press conference</p>                                                                                                                                                                                                      |
| <p>Page 185</p> <p>1 correct?</p> <p>2 A. Yes.</p> <p>3 Q. Did you have any input in the drafting</p> <p>4 of this letter?</p> <p>5 A. Ms. Kutzler drafted it. I think I did</p> <p>6 review it upon her drafting it. And then it was</p> <p>7 provided to Mr. Bender for his review and</p> <p>8 signature.</p> <p>9 Q. And then he did review, sign it, and</p> <p>10 then had you send it to Jane Doe 3?</p> <p>11 A. Yes.</p> <p>12 Q. Okay.</p> <p>13 When you reviewed Ms. Kutzler's draft of</p> <p>14 this, what was the reason you reviewed it?</p> <p>15 A. I was part of the conversation that</p> <p>16 occurred regarding why the tax assessment</p> <p>17 employees were not utilizing that entrance to</p> <p>18 limit the potential of running into Mr. Halcovage.</p> <p>19 Q. Okay.</p> <p>20 So that's the second paragraph contained</p> <p>21 in this letter?</p> <p>22 A. Uh-huh.</p> <p>23 Q. Is that a yes?</p> <p>24 A. Yes.</p>                          | <p>Page 187</p> <p>1 upstairs in Courtroom 1. And this question was</p> <p>2 posed by Jane Doe 3 because they were made aware</p> <p>3 that he entered the building through a different</p> <p>4 door.</p> <p>5 Q. Well, January 13th was the day that</p> <p>6 Commissioner Halcovage was allegedly at the</p> <p>7 funeral, correct?</p> <p>8 A. That's the day I believe we spoke to</p> <p>9 Jane Doe 3. I don't recall if that's the exact</p> <p>10 same day that the press conference was. That I</p> <p>11 don't recall. But he was at the funeral on the</p> <p>12 13th, based upon the original e-mail.</p> <p>13 Q. Okay.</p> <p>14 So my -- my reading of this, and correct</p> <p>15 me if I'm wrong, is that Commissioner Halcovage</p> <p>16 attended a press conference in Courtroom 1 on</p> <p>17 January 15th, as it says in the last sentence, in</p> <p>18 the very last part, which is exactly what occurred</p> <p>19 today?</p> <p>20 A. Yes, that would make sense.</p> <p>21 Q. So the January 13th question --</p> <p>22 conversation in Paragraph 2 occurred two days</p> <p>23 prior to this issue with Commissioner Halcovage</p> <p>24 and the press conference, correct?</p> |

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| <p>Page 188</p> <p>1 A. Yes.</p> <p>2 Q. Okay.</p> <p>3 So then what was -- this conversation in</p> <p>4 Paragraph 2, what was -- why was that conversation</p> <p>5 occurring and whom was involved?</p> <p>6 A. I believe the conversation was based</p> <p>7 upon -- it included Doreen Kutzler, myself, and</p> <p>8 Jane Doe 3. I don't know why the question was</p> <p>9 posed. I don't recall that, but this outlines</p> <p>10 what was discussed.</p> <p>11 Q. Okay.</p> <p>12 So let's talk about, at least then,</p> <p>13 January 13th, 14th, and 15th. What was the</p> <p>14 understanding of where Defendant Halcovage was to</p> <p>15 enter the courthouse?</p> <p>16 A. At that point in time, I don't believe</p> <p>17 it was restricted as far as that he could only be</p> <p>18 coming in through the bottom door. He would</p> <p>19 then -- he would -- had to be escorted, as was</p> <p>20 indicated here. So my recollection of this is</p> <p>21 that he met Gary Bender at one of the other</p> <p>22 entrances of the courthouse and he and Gary Bender</p> <p>23 walked upstairs to Courtroom 1 to attend the press</p> <p>24 conference.</p>                     | <p>Page 190</p> <p>1 And this e-mail, if we look to the</p> <p>2 second page again, it's sent at 4:07 p.m. on the</p> <p>3 day of this late, January 15th, which based on the</p> <p>4 first paragraph where we just established is, if</p> <p>5 my math is correct, about six hours after -- five</p> <p>6 hours and about ten minutes or so, after Jane Doe</p> <p>7 3 raises her concerns regarding what occurred;</p> <p>8 would you agree? So Jane Doe 3 --</p> <p>9 A. Yes.</p> <p>10 Q. Okay.</p> <p>11 In that five hours, did you conduct any</p> <p>12 investigation as to whether, as Paragraph 2 at the</p> <p>13 end states, encountered any of her employees upon</p> <p>14 entering, traveling through, or leaving the</p> <p>15 courthouse entrance today?</p> <p>16 A. Yes.</p> <p>17 Q. What investigation did you conduct?</p> <p>18 A. We reviewed the cameras to determine</p> <p>19 where Mr. Halcovage was in the courthouse through</p> <p>20 the sheriff's office. And his whereabouts were</p> <p>21 tracked down each of the hallways and he was</p> <p>22 accompanied by Mr. Bender the entire time upon his</p> <p>23 return back to the commissioners office and at no</p> <p>24 point in time were there any other tax assessment</p> |
| <p>Page 189</p> <p>1 Q. Okay.</p> <p>2 And then on January 13th, 14th, and</p> <p>3 15th, what was the understanding of where the tax</p> <p>4 assessment employees were to enter the courthouse?</p> <p>5 A. Well, the tax assessment employees could</p> <p>6 have entered the courthouse from any location, as</p> <p>7 their badge would have let them in. But based</p> <p>8 upon the prior discussions, it was suggested that</p> <p>9 they enter through the north entrance because</p> <p>10 typically Commissioner Halcovage would come in</p> <p>11 through the bottom entrance of the courthouse.</p> <p>12 And if you enter the bottom entrance of the</p> <p>13 courthouse, come up the elevator or the steps, you</p> <p>14 don't actually enter the courthouse building.</p> <p>15 You're kind of on the outside of that. So the</p> <p>16 north entrance would allow employees to come down</p> <p>17 the steps and go right into the tax offices.</p> <p>18 Q. Okay.</p> <p>19 So -- but the tax assessment employees</p> <p>20 had no requirement regarding --</p> <p>21 A. No.</p> <p>22 Q. -- what door they had to enter?</p> <p>23 A. You are correct.</p> <p>24 Q. Okay.</p> | <p>Page 191</p> <p>1 employees viewed on the cameras.</p> <p>2 Q. How many cameras did you view?</p> <p>3 A. I don't recall.</p> <p>4 Q. Were you aware that a preservation of</p> <p>5 evidence letter had been sent at that point?</p> <p>6 A. At that point, I don't think I was aware</p> <p>7 of any of that, no.</p> <p>8 Q. Who did you view the video with?</p> <p>9 A. It would have been done with the</p> <p>10 sheriff's office, I don't know exactly who it was</p> <p>11 that viewed the video, but it was done in the</p> <p>12 sheriff's office because they are the only people</p> <p>13 who have access to -- had access to the videos.</p> <p>14 Q. Other than someone from the sheriff's</p> <p>15 office, one or more people, was there anyone else</p> <p>16 present?</p> <p>17 A. Doreen Kutzler and I.</p> <p>18 Q. Anyone else?</p> <p>19 A. No.</p> <p>20 Q. Was that video preserved, do you know?</p> <p>21 A. I do not know.</p> <p>22 Q. Do you think -- so Halcovage, during</p> <p>23 this video, was escorted by Defendant Bender,</p> <p>24 correct?</p>                                                                                                                                                                          |

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| <p style="text-align: right;">Page 192</p> <p>1 A. Yes.</p> <p>2 Q. Did you know at that time in January of</p> <p>3 2021, that both Halcovage and Mr. Bender were</p> <p>4 named as respondents in an EEOC charge by the</p> <p>5 plaintiffs?</p> <p>6 A. That was my first week of employment, I</p> <p>7 don't know exactly -- I knew that there was a</p> <p>8 charge, I didn't know who it was against or what.</p> <p>9 So I don't know if I knew at that particular point</p> <p>10 in time.</p> <p>11 Q. Did you speak with Jane Doe 3 regarding</p> <p>12 her e-mail of February -- I'm sorry --</p> <p>13 January 15th, 10:51 a.m.?</p> <p>14 A. I don't recall speaking to her regarding</p> <p>15 the e-mail.</p> <p>16 Q. Did you speak with her regarding her</p> <p>17 instruction for her employees to leave their work</p> <p>18 locations?</p> <p>19 A. I believe we had that conversation</p> <p>20 during the January 13th meeting, based upon this</p> <p>21 letter.</p> <p>22 Q. Well, on January 13th, Jane Doe 3 hadn't</p> <p>23 instructed her employees to leave their work</p> <p>24 locations, correct?</p>                                              | <p style="text-align: right;">Page 194</p> <p>1 appropriate usage of leave.</p> <p>2 Did you consider that Jane Doe 3 was an</p> <p>3 exempt employee at this time?</p> <p>4 A. I'm not sure I understand the question.</p> <p>5 Q. So in January of 2021, January 15th,</p> <p>6 specifically, was Jane Doe 3 an exempt employee?</p> <p>7 A. Yes.</p> <p>8 Q. And did you take that into consideration</p> <p>9 regarding what authority she has regarding the</p> <p>10 direction of her employees?</p> <p>11 A. So she may direct the work of her</p> <p>12 employees, but her employees are still bound to</p> <p>13 follow the protocols of the county. And when</p> <p>14 you're not present at work, you need to be taking</p> <p>15 some sort of accrued leave or leave without pay in</p> <p>16 order to be off.</p> <p>17 Q. Well, what if Jane Doe 3 instructed them</p> <p>18 to work from home?</p> <p>19 MS. PIPAK: Objection to the form.</p> <p>20 You can answer.</p> <p>21 THE WITNESS: Again, that was not</p> <p>22 permissible based upon this information.</p> <p>23 BY MS. SMITH:</p> <p>24 Q. This letter?</p>                                                                             |
| <p style="text-align: right;">Page 193</p> <p>1 A. Oh, you're -- I'm sorry. I thought you</p> <p>2 said through the north entrance.</p> <p>3 Q. No. Sorry.</p> <p>4 To leave the -- so in Paragraph 3, it</p> <p>5 says: As you stated in your e-mail, which I take</p> <p>6 it referring to that January 15, 10:51 a.m. e-mail</p> <p>7 because that's what the e-mail referenced in this</p> <p>8 you. You directed your employees to leave their</p> <p>9 work locations early based on the situation and</p> <p>10 you left work -- work early as well.</p> <p>11 Do you see that?</p> <p>12 A. Yes.</p> <p>13 Q. Did you ever speak with Jane Doe 3 about</p> <p>14 what she said to them, what she actually</p> <p>15 instructed, or what happened?</p> <p>16 A. No. I believe that was all based upon</p> <p>17 the e-mail that she sent.</p> <p>18 Q. Anyone ask her if she told her employees</p> <p>19 they have to use available accrued time to cover</p> <p>20 their absences?</p> <p>21 A. No.</p> <p>22 Q. In the next sentence it states: In</p> <p>23 addition you do not have the authority to direct</p> <p>24 your employees to leave their work site without</p> | <p style="text-align: right;">Page 195</p> <p>1 A. Yes.</p> <p>2 Q. Well, is there a county policy or</p> <p>3 procedure that says it's not permissible for a</p> <p>4 department head to allow their employees to work</p> <p>5 from home?</p> <p>6 A. That, again, would be something that</p> <p>7 would need to be discussed through the chain of</p> <p>8 command.</p> <p>9 Q. Is there a policy that states that?</p> <p>10 A. No.</p> <p>11 Q. Are you aware if Jane Doe 3, prior to</p> <p>12 January 15th of 2021, was ever -- had ever been</p> <p>13 permitted to allow employees to work from home on</p> <p>14 a discretionary basis?</p> <p>15 A. I'm not aware.</p> <p>16 Q. Do you think that historical precedent</p> <p>17 of what Jane Doe 3 was or was not permitted to do</p> <p>18 would be relevant in the writing of this letter?</p> <p>19 A. In this particular situation, no. It</p> <p>20 was based upon the information that we had in the</p> <p>21 e-mail, that she allowed her employees to leave</p> <p>22 work early. And, therefore, we -- it was directed</p> <p>23 in the letter that she was to have her employees</p> <p>24 utilize appropriate leave in order for their</p> |



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| <p style="text-align: right;">Page 196</p> <p>1 absence from work.</p> <p>2 Q. Was the January 13th incident, as</p> <p>3 reported by Jane Doe 2 and forwarded by Jane Doe</p> <p>4 3 -- I'm sorry. I don't think it was forwarded.</p> <p>5 The one we looked at that you said you spoke with</p> <p>6 Doreen and then Jane Doe 3, Mr. Halcovage had</p> <p>7 tried to reach Jane Doe 2 about, was that</p> <p>8 considered when writing this letter?</p> <p>9 A. I believe this -- this letter addressed</p> <p>10 the e-mail that was sent by Jane Doe 3 regarding</p> <p>11 Mr. Halcovage's attendance at the press</p> <p>12 conference. It was not related to the situation</p> <p>13 with Jane Doe 2 that was reported on the 13th.</p> <p>14 Q. Right.</p> <p>15 But on the 13th, Jane Doe 2 reported to</p> <p>16 you -- or reported to Jane Doe 3, Jane Doe 3</p> <p>17 reported to you that she believed Defendant</p> <p>18 Halcovage had followed her, correct?</p> <p>19 A. Yes. That's the information that was</p> <p>20 reported.</p> <p>21 Q. And you testified that you didn't think</p> <p>22 it was until the following week that you followed</p> <p>23 up with Mr. Heinbach about Jane Doe 2's statement,</p> <p>24 correct?</p> | <p style="text-align: right;">Page 198</p> <p>1 learned that -- believed that that individual had</p> <p>2 followed one of them and then believed that he was</p> <p>3 walking unaccompanied throughout the courthouse,</p> <p>4 wouldn't those two things go hand in hand to you?</p> <p>5 MS. PIPAK: I'm going to object to</p> <p>6 the form.</p> <p>7 And if you understand it, you can</p> <p>8 answer it.</p> <p>9 THE WITNESS: Can you restate that?</p> <p>10 BY MS. SMITH:</p> <p>11 Q. Let me strike that.</p> <p>12 Let's just go with this: So is it your</p> <p>13 testimony that the January 13th incident that Jane</p> <p>14 Doe 2 reported was not taken into consideration</p> <p>15 regard -- when drafting this e-mail?</p> <p>16 A. That's correct.</p> <p>17 MS. SMITH: Okay. I'm going to</p> <p>18 mark Doe Supplement 596 through 600 -- I'm</p> <p>19 sorry -- 601. It's going to be Exhibit-116.</p> <p>20 - - -</p> <p>21 (Doe 596-600 marked as Exhibit 116 for</p> <p>22 identification.)</p> <p>23 - - -</p> <p>24 BY MS. SMITH:</p>                                |
| <p style="text-align: right;">Page 197</p> <p>1 A. Yes.</p> <p>2 Q. So within five hours of Jane Doe 3</p> <p>3 allowing individuals to go home, whether accrued</p> <p>4 time or work from home or whatever, to go home,</p> <p>5 this letter was issued, but you had yet to receive</p> <p>6 a statement from Jane Doe 2 as to those safety</p> <p>7 concerns, correct?</p> <p>8 A. Jane Doe 2 and Ms. -- the information</p> <p>9 that was provided in the e-mail, Jane Doe 2, nor</p> <p>10 Jane Doe 1, nor Jane Doe 3, nor Jane Doe 4 even</p> <p>11 came in to -- encountered Mr. Halcovage while he</p> <p>12 was in the courthouse. They were informed by</p> <p>13 someone else that he was in the courthouse.</p> <p>14 Q. Well, did you speak with any of them to</p> <p>15 find that out?</p> <p>16 A. That was based upon our review of the</p> <p>17 information, based upon the e-mail that we</p> <p>18 received.</p> <p>19 Q. Again, did you speak with them to find</p> <p>20 that out?</p> <p>21 A. No, I did not.</p> <p>22 Q. Okay.</p> <p>23 If individuals had -- who had reported</p> <p>24 sexual harassment and retaliation by an individual</p>                                                                              | <p style="text-align: right;">Page 199</p> <p>1 Q. I'm going to actually have you focus and</p> <p>2 flip to the page that's Bates stamped 600. Do you</p> <p>3 recognize this document? Again, sorry. I should</p> <p>4 say: Do you recognize what is Doe Supplement 600</p> <p>5 and 601?</p> <p>6 A. No, I don't.</p> <p>7 Q. So is it that you don't recognize the</p> <p>8 document as it's dated before your employment or</p> <p>9 do you not recognize the form in and of itself?</p> <p>10 A. I don't -- I never -- I don't -- I've</p> <p>11 never used this form. So I'm not aware of what it</p> <p>12 was utilized or what was the purpose behind it. I</p> <p>13 don't know.</p> <p>14 Q. Okay.</p> <p>15 A. But if it --</p> <p>16 Q. Go ahead. I'm sorry.</p> <p>17 A. No, I don't know.</p> <p>18 Q. This form is titled executive</p> <p>19 exemption -- executive exemption, Jane Doe 3,</p> <p>20 correct?</p> <p>21 A. Yes.</p> <p>22 Q. And you stated that you do believe</p> <p>23 that -- you understood Jane Doe 3 was exempt in</p> <p>24 January of 2021, correct?</p> |



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| <p>Page 200</p> <p>1 A. Yes.</p> <p>2 Q. If we look to the management section of</p> <p>3 this, it indicates in the third, I'll call them</p> <p>4 bullet points for lack of a better word, directing</p> <p>5 the work of employees.</p> <p>6 Did you take the fact -- did you take</p> <p>7 into consideration the fact that Jane Doe 3's</p> <p>8 executive exemption test allowed her to direct the</p> <p>9 work of employees when writing that January -- or</p> <p>10 reviewing that January 15th letter?</p> <p>11 A. Yes.</p> <p>12 Q. If we look to the last one, providing</p> <p>13 safety and security of employees or the property.</p> <p>14 Did you take that into consideration</p> <p>15 when reviewing the January 15th letter?</p> <p>16 A. I'm not sure I understand the question.</p> <p>17 Q. The last point on the first page --</p> <p>18 well, this is Doe Supplement 600. It says her</p> <p>19 management duties include providing safety and</p> <p>20 security of employees or the property, correct,</p> <p>21 that's what it states?</p> <p>22 A. That's what it states, yes.</p> <p>23 Q. Do you believe that she had the</p> <p>24 authority and that was one of her management</p> | <p>Page 202</p> <p>1 had a concern for safety -- her employee's safety?</p> <p>2 A. No.</p> <p>3 Q. Were you aware that Defendant Bender,</p> <p>4 prior to January of 2021, had informed Jane Doe 3</p> <p>5 and Jane Doe 4 that they were to -- they were</p> <p>6 authorized to use their discretion and independent</p> <p>7 judgment in the management of employees in their</p> <p>8 offices?</p> <p>9 A. No, I'm not aware of any of those</p> <p>10 conversations.</p> <p>11 Q. If Mr. Bender had told Jane Doe 3 that,</p> <p>12 would that change your opinion as to whether she</p> <p>13 should have been issued that letter, the</p> <p>14 January 15th letter, Exhibit-115?</p> <p>15 A. That letter was issued at the direction</p> <p>16 of Mr. Bender, as a response to the e-mail that</p> <p>17 was provided and that's why we issued the letter.</p> <p>18 Q. I understand that.</p> <p>19 But what I'm saying is, is Ms. Bender --</p> <p>20 Mr. Bender had been disingenuous and had, in fact,</p> <p>21 previously informed Jane Doe 3 and Jane Doe 4 that</p> <p>22 they could use their discretion and independent</p> <p>23 judgment in the management of their employees,</p> <p>24 would that change your opinion as to whether this</p> |
| <p>Page 201</p> <p>1 duties?</p> <p>2 A. Yes, from the perspective that she can</p> <p>3 do that. However, it needs to be done within</p> <p>4 accordance with county policy.</p> <p>5 Q. Well, what policy are we talking about?</p> <p>6 Because you stated there was no written policy</p> <p>7 that she had to get approval to have her employees</p> <p>8 work from home.</p> <p>9 A. So --</p> <p>10 MS. PIPAK: Object to the form.</p> <p>11 But you can answer.</p> <p>12 THE WITNESS: So to my</p> <p>13 recollection, she didn't indicate she was having</p> <p>14 her employees work from home. She indicated she</p> <p>15 sent her employees home. And, therefore, we</p> <p>16 informed her that should her employees have been</p> <p>17 sent home, she was to have the appropriate leave</p> <p>18 charge, which is in accordance with the county's</p> <p>19 policy.</p> <p>20 BY MS. SMITH:</p> <p>21 Q. Did anyone ask her if they were working</p> <p>22 from home?</p> <p>23 A. I don't recall.</p> <p>24 Q. Did anyone ask her if there was a -- she</p>                                                                                                                                        | <p>Page 203</p> <p>1 letter should have been issued? In Exhibit-15,</p> <p>2 when I say this letter, 115.</p> <p>3 A. No. I think the letter was issued based</p> <p>4 upon the in -- in response to the e-mail, so it</p> <p>5 was a response to the e-mail. So I believe we</p> <p>6 would have still responded to her e-mail based</p> <p>7 upon the information she provided.</p> <p>8 Q. Well, if we look to probably the --</p> <p>9 well, it's the third line down in the third</p> <p>10 paragraph, it says: In addition, you do not have</p> <p>11 the authority to direct your employees to leave</p> <p>12 their work site without appropriate usage of</p> <p>13 leave.</p> <p>14 If they have the independent judge -- if</p> <p>15 he had told them they have the independent</p> <p>16 judgment and discretion, wouldn't that be</p> <p>17 contradictory to what he had previously told them?</p> <p>18 A. I'm not aware if he told them that or</p> <p>19 not. I don't know.</p> <p>20 Q. It's a hypothetical.</p> <p>21 If he had told them that, this sentence</p> <p>22 would be in contradiction to that, correct?</p> <p>23 MS. PIPAK: I'm going to object to</p> <p>24 the form.</p>                                                           |

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| <p>1 But go ahead.</p> <p>2 THE WITNESS: I -- if --</p> <p>3 potentially, then yes, I guess. I'm not sure I am</p> <p>4 understanding, but okay.</p> <p>5 BY MS. SMITH:</p> <p>6 Q. So if Mr. Bender had said to -- prior to</p> <p>7 this letter to Jane Doe 4 and Jane Doe 3, you have</p> <p>8 discretion and independent judgment in the</p> <p>9 management of the employees in your office. And</p> <p>10 this letter is saying you don't have the authority</p> <p>11 to direct your employees to leave their work site,</p> <p>12 aren't those things in contradiction?</p> <p>13 A. No. The letter says you don't have the</p> <p>14 authority to direct your employees to leave their</p> <p>15 work site without the appropriate usage of leave.</p> <p>16 So she decided to tell her employees to go home.</p> <p>17 I'm assuming she could do that based upon,</p> <p>18 apparently, the hypothetical authority that was</p> <p>19 given to them by Mr. Bender, but they would still</p> <p>20 have to utilize appropriate leave.</p> <p>21 Q. And again -- but there is no county</p> <p>22 policy that says that, correct?</p> <p>23 A. There is a county policy regarding leave</p> <p>24 usage, yes.</p>                                                     | <p>Page 204</p> <p>1 on January 13th that occurred between yourself,</p> <p>2 Ms. Kutzler, and Jane Doe 3 about tax assessment</p> <p>3 employees using the north door to avoid contact;</p> <p>4 is that correct?</p> <p>5 A. Yes. I believe that was a suggestion</p> <p>6 that was made to utilize that door.</p> <p>7 Q. As a result of that suggestion, was</p> <p>8 there ever -- did you have any conversation or are</p> <p>9 you aware of anyone who had any conversation with</p> <p>10 Defendant Halcovage and asked him to not use the</p> <p>11 north door?</p> <p>12 A. No. I -- I don't believe at that point</p> <p>13 in time -- so, again, I believe it was that he</p> <p>14 needed to be escorted when he was out in the</p> <p>15 building, which is what he did. And then I</p> <p>16 believe after the situation occurred, there was</p> <p>17 some conversation. I don't recall if it was with</p> <p>18 Mr. Halcovage or not, that it would probably be</p> <p>19 best if he just entered the same door all the</p> <p>20 time. And then if he was going to go into the</p> <p>21 courthouse, that he would be escorted by somebody</p> <p>22 else.</p> <p>23 Q. At any point -- strike that.</p> <p>24 At any point during your employment, did</p> |
| <p>Page 205</p> <p>1 Q. What policy would that be?</p> <p>2 A. So there's absentee and tardy in this</p> <p>3 policy. 205-14, I believe, has language in there</p> <p>4 regarding leave. I believe there's also the</p> <p>5 conduct policy talks about, you know, reporting to</p> <p>6 work, utilizing leave. I'm not certain of any</p> <p>7 others. But we also have a vacation policy, a</p> <p>8 sick leave policy, a personal day policy.</p> <p>9 Q. Did department heads have discretion to</p> <p>10 set their employees' schedules?</p> <p>11 A. As far as..?</p> <p>12 Q. Like days, hours worked?</p> <p>13 A. No. They were pretty much set by the</p> <p>14 hours of the courthouse. Everyone pretty much</p> <p>15 worked the hours that the courthouse were open.</p> <p>16 Q. Going back to that January 13th</p> <p>17 conversation that you were recalling with Ms.</p> <p>18 Kutzler and Jane Doe 3, do you recall Ms. Kutzler</p> <p>19 confirming that the north door was the door that</p> <p>20 should be used to enter the building to avoid</p> <p>21 contact with Mr. Halcovage?</p> <p>22 A. Can you repeated the question?</p> <p>23 Q. You were -- when we looked at one of the</p> <p>24 other documents, you had recalled a conversation</p> | <p>Page 207</p> <p>1 you come to learn of an incident where George</p> <p>2 Halcovage climbed a pretty steep, dangerous</p> <p>3 embankment from the lower lot to the upper lot?</p> <p>4 A. Yes. I became -- I was made aware of</p> <p>5 that situation.</p> <p>6 Q. Was that before your employment or after</p> <p>7 you began?</p> <p>8 A. The situation occurred before my</p> <p>9 employment and I think it was publicized in the</p> <p>10 newspaper.</p> <p>11 Q. How did you come to learn about it?</p> <p>12 A. I believe I learned about it through the</p> <p>13 newspaper prior to my employment, but it was</p> <p>14 referenced when I was employed.</p> <p>15 Q. Okay.</p> <p>16 Did you take that into consideration</p> <p>17 when reviewing the -- the January 15, 2021, letter</p> <p>18 to Jane Doe 3?</p> <p>19 A. No.</p> <p>20 Q. Pretty early on into your employment you</p> <p>21 requested to meet with Jane Doe 3, correct?</p> <p>22 A. Yeah. I'm sure I did meet with Jane Doe</p> <p>23 3 pretty early on in my employment, yes.</p> <p>24 MS. SMITH: Okay. I'm going to mark</p>                                                                                                                                                          |

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| <p>Page 208</p> <p>1 Zula 399 to 402 as 117.</p> <p>2 - - -</p> <p>3 (Zula 399-402 marked as Exhibit-117 for</p> <p>4 identification.)</p> <p>5 - - -</p> <p>6 BY MS. SMITH:</p> <p>7 Q. Do you recognize this chain of e-mails,</p> <p>8 Ms. Zula?</p> <p>9 A. Yes.</p> <p>10 Q. Again, if we look to Page 2, Zula 400 to</p> <p>11 401, this is an e-mail from you to Jane Doe 3 on</p> <p>12 January 27, 2021, correct?</p> <p>13 A. Yes.</p> <p>14 Q. If we look to the second paragraph of</p> <p>15 your e-mail, it says: As a side note, I would</p> <p>16 like to discuss this practice with you as we near</p> <p>17 upcoming contract negotiations.</p> <p>18 The practice you wanted to discuss was</p> <p>19 the hourly rates for interim field appraisers and</p> <p>20 CPE completion, correct?</p> <p>21 A. Yes.</p> <p>22 Q. Okay.</p> <p>23 Was there any other reason that you</p> <p>24 requested this meeting?</p>                                                                                                                              | <p>Page 210</p> <p>1 meeting was for other reasons?</p> <p>2 A. The meeting was to discuss the field</p> <p>3 appraiser and the program coordinator position</p> <p>4 because there was a lot of issues from a</p> <p>5 contractual perspective, as to how we were paying</p> <p>6 these interim field appraiser positions that</p> <p>7 didn't exist as part of the contract. There was</p> <p>8 also discussions that were held at that meeting to</p> <p>9 discuss the operations of the tax assessment</p> <p>10 office because there were some additional things</p> <p>11 going on there as well.</p> <p>12 I think the primary purpose of the meeting</p> <p>13 was the field appraiser position, though.</p> <p>14 Q. Okay.</p> <p>15 Whose decision was it to hold this</p> <p>16 meeting?</p> <p>17 A. I think Doreen and I both were part of</p> <p>18 process.</p> <p>19 Q. Did anyone instruct you to have</p> <p>20 conversations with Jane Doe 3 and/or Jane Doe 4</p> <p>21 about tax assessment office operations at -- in</p> <p>22 January of 2021?</p> <p>23 A. Yes.</p> <p>24 Q. Who?</p> |
| <p>Page 209</p> <p>1 A. No. The meeting with requested to</p> <p>2 discuss the issues that were outlined.</p> <p>3 Q. It wasn't to discuss the operations</p> <p>4 generally of the tax assessment issue?</p> <p>5 A. We did get into that --</p> <p>6 Q. Sorry. Tax assessment office. I</p> <p>7 apologize.</p> <p>8 A. Yes. We did get into those issues as</p> <p>9 well.</p> <p>10 Q. But was it scheduled for that purpose?</p> <p>11 A. No. It was scheduled for the purpose of</p> <p>12 reviewing the program coordinator/field appraiser</p> <p>13 position.</p> <p>14 Q. Doreen Kutzler was present at that</p> <p>15 meeting, correct?</p> <p>16 A. Yes.</p> <p>17 Q. And Jane Doe 4 was present at that</p> <p>18 meeting, correct?</p> <p>19 A. Yes.</p> <p>20 Q. If I told you that Doreen Kutzler sent</p> <p>21 an e-mail to Jane Doe 3 also requesting to meet</p> <p>22 with her at this -- during this time period to</p> <p>23 discuss tax assessment office operations, would</p> <p>24 that change your opinion as to whether or not the</p> | <p>Page 211</p> <p>1 A. So Mr. Bender and Mr. Roth were part of</p> <p>2 conversations about the operations of the tax</p> <p>3 assessment office prior to me even getting to the</p> <p>4 county. There were discussions about how it was</p> <p>5 running that I was brought into when I started</p> <p>6 with the county. So, yes, there was some</p> <p>7 direction to determine what exactly was going on</p> <p>8 as well.</p> <p>9 Q. When you say that you were brought into</p> <p>10 when you started with the county, when exactly</p> <p>11 were you brought into the conversations? First</p> <p>12 week, second week?</p> <p>13 A. It was probably the first week.</p> <p>14 Q. Okay.</p> <p>15 Are you aware of STEB reports?</p> <p>16 A. Yes.</p> <p>17 Q. And do you know what STEB stands for?</p> <p>18 A. State Tax Equalization Board.</p> <p>19 Q. What -- tell me everything you know</p> <p>20 about a STEB report.</p> <p>21 A. So the STEB --</p> <p>22 MS. PIPAK: I am going to object to</p> <p>23 the form.</p> <p>24 But go ahead.</p>                                          |

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| <p>Page 212</p> <p>1 THE WITNESS: Oh, sorry. So the</p> <p>2 STEB reports are submitted on a monthly basis to</p> <p>3 determine, and I don't know the proper lingo, if</p> <p>4 it's a valid sale and it's not like sales between</p> <p>5 like family members or some other exempt type of</p> <p>6 sale of property. They're submitted then and</p> <p>7 they're utilized to determine the common level</p> <p>8 ratio for the county. I think that's the</p> <p>9 appropriate term.</p> <p>10 BY MS. SMITH:</p> <p>11 Q. Okay.</p> <p>12 When did you come to learn that</p> <p>13 information?</p> <p>14 A. It was when I -- we started looking at</p> <p>15 the operations of the tax asses office, as well as</p> <p>16 we received communications -- the county received</p> <p>17 communication that our STEB reports have not been</p> <p>18 filed for a number of months, I want to say it was</p> <p>19 probably sometime in January time frame, February</p> <p>20 time frame, somewhere around there.</p> <p>21 Q. Of 2021?</p> <p>22 A. Yes.</p> <p>23 Q. Okay.</p> <p>24 Who is responsible within the county for</p>                                                                           | <p>Page 214</p> <p>1 say that you had a good understanding of the STEB</p> <p>2 reports and the real estate market analyst job</p> <p>3 duties?</p> <p>4 MS. PIPAK: I'll object to the</p> <p>5 form.</p> <p>6 But go ahead, you can answer.</p> <p>7 THE WITNESS: I don't know what</p> <p>8 good is classified as. I mean, I understood what</p> <p>9 the responsibilities were as far as to the</p> <p>10 submission of the STEB reports were to be done on</p> <p>11 a monthly basis and at that point, they were</p> <p>12 significantly delinquent with the state.</p> <p>13 BY MS. SMITH:</p> <p>14 Q. Okay.</p> <p>15 Are you aware that the state allowed for</p> <p>16 a few months grace period as a result of COVID in</p> <p>17 2020?</p> <p>18 A. Yes.</p> <p>19 Q. Okay.</p> <p>20 What -- how long, do you know, did the</p> <p>21 state --</p> <p>22 A. I don't know what the grace period was.</p> <p>23 All I know is that we -- the county received a</p> <p>24 letter stating that -- that the -- if the reports</p>                                                                                                                                                                                                          |
| <p>Page 213</p> <p>1 STEB reports?</p> <p>2 A. The real estate market analyst is the</p> <p>3 position that completes the STEB reports.</p> <p>4 Q. Is the real estate market analyst -- do</p> <p>5 they obtain information from any other job</p> <p>6 positions within the county to complete the STEB</p> <p>7 report?</p> <p>8 A. So there's a report that's run that they</p> <p>9 review, that person reviews on a monthly basis.</p> <p>10 So that information is fed into, I want to say,</p> <p>11 the Govern System, I think is what it was called.</p> <p>12 And then it's -- whatever the deeds and all of</p> <p>13 that information that's entered into the system,</p> <p>14 it pulls out a monthly report. That is then</p> <p>15 checked by the real estate market analyst. So,</p> <p>16 yes, it's based upon the information that's put</p> <p>17 into the system from other positions within the</p> <p>18 office.</p> <p>19 Q. Including field appraisers?</p> <p>20 A. I don't exactly know who puts the</p> <p>21 information in. So if it's field appraises, the</p> <p>22 typist, I don't know that exactly.</p> <p>23 Q. Okay.</p> <p>24 So in January, February 2021, would you</p> | <p>Page 215</p> <p>1 were not filed timely, that our common level ratio</p> <p>2 would be impacted.</p> <p>3 Q. Okay.</p> <p>4 And prior to this request of a meeting</p> <p>5 on January 27th by you, you had already been</p> <p>6 informed that there was concerns regarding the tax</p> <p>7 assessment operations, correct?</p> <p>8 A. Yes.</p> <p>9 Q. And there was already talks of removing</p> <p>10 Jane Doe 3 from her position, correct?</p> <p>11 A. There were talks about bringing in a</p> <p>12 consultant to work in that role.</p> <p>13 Q. So the talks were just to bring a</p> <p>14 consultant in that Jane Doe 3 would retain her</p> <p>15 position, but not -- but not as a consultant?</p> <p>16 A. I know that there were -- prior to me</p> <p>17 starting with the county, there were -- there were</p> <p>18 talks about bringing in a consultant. And when I</p> <p>19 first started, I believe it was like the first</p> <p>20 week or so, that there was a meeting set up with</p> <p>21 Mr. Alu, who was the consultant to come in and,</p> <p>22 you know, discuss what he could bring to the</p> <p>23 table. And, yes, as part of those discussions,</p> <p>24 there were there some discussions about</p> |



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| <p style="text-align: right;">Page 216</p> <p>1 restructuring the offices back to tax assessment<br/>2 and tax claim as two separate offices.<br/>3 Q. Whose suggestion was it that they be<br/>4 returned to two offices?<br/>5 A. That decision was made by the<br/>6 commissioners.<br/>7 Q. All three?<br/>8 A. The commissioners had to vote on the...<br/>9 Q. So the official vote was by all the<br/>10 commissioners, but the decision -- the discussions<br/>11 to investigate as to whether they should be<br/>12 returned to two offices, who instructed or decided<br/>13 that?<br/>14 A. So the -- I mean, I was directed to look<br/>15 into the issue by Mr. Bender. And, you know, I<br/>16 reviewed the information and provided it and then<br/>17 it was -- the determination was made to put the<br/>18 information on the agenda and voted on by the<br/>19 commissioners.<br/>20 Q. So you're -- strike that. One second.<br/>21 MS. SMITH: We're going to look at<br/>22 4 -- Zula 413 to 415, mark it Exhibit-118.<br/>23 ---<br/>24 (Zula 413-415 marked as Exhibit-118 for</p> | <p style="text-align: right;">Page 218</p> <p>1 scope of the offices and, you know, understanding<br/>2 each of the roles and who did what. So I did<br/>3 struggle with kind of putting all those pieces<br/>4 together because there were a lot of moving parts.<br/>5 Q. I understand. I'm coming to learn very<br/>6 slowly what those offices do, so I can understand<br/>7 and appreciate that.<br/>8 And this is just shy of a month into<br/>9 your employment with the county, correct?<br/>10 A. Yes.<br/>11 Q. In any of your prior employment history<br/>12 that we went over in your resume, did you ever<br/>13 work with STEB reports?<br/>14 A. No.<br/>15 Q. Did you ever work with an assessment<br/>16 office?<br/>17 A. No. I never worked for a county.<br/>18 Q. Okay.<br/>19 So your only knowledge of STEB reports<br/>20 and assessment offices came from your, just shy<br/>21 of, a month employment?<br/>22 A. Correct.<br/>23 Q. And is that kind of what caused some<br/>24 struggle in putting this memo together?</p>                                                                                    |
| <p style="text-align: right;">Page 217</p> <p>1 identification.)<br/>2 ---<br/>3 BY MS. SMITH:<br/>4 Q. Ms. Zula, do you recognize the e-mail<br/>5 that is the first page, Zula 214?<br/>6 A. Yes.<br/>7 Q. Okay.<br/>8 It's an e-mail from you to Ms. Kutzler,<br/>9 correct?<br/>10 A. Yes.<br/>11 Q. And there is a attachment report Jane<br/>12 Doe 3 work performance.<br/>13 Do you see that?<br/>14 A. Yes.<br/>15 Q. Is 414 and 415, the next two pages, that<br/>16 attachment?<br/>17 A. Yes.<br/>18 Q. Okay.<br/>19 Let's look at your e-mail for a second.<br/>20 The second sentence there, it says: I<br/>21 really struggled with putting this memo together.<br/>22 Can you explain to us what you meant by<br/>23 that?<br/>24 A. I struggled with understanding fully the</p>                                                                                                                                                                                                                                                                                                         | <p style="text-align: right;">Page 219</p> <p>1 A. Yes.<br/>2 Q. It then goes on to say: I really<br/>3 focused on the failure to submit the STEB reports<br/>4 as the basis to the removal from her position.<br/>5 This e-mail and that sentence to me, and<br/>6 correct me if I'm wrong, indicates that you were<br/>7 instructed to come to a conclusion and to find a<br/>8 reason to come to that conclusion.<br/>9 Is that a fair assessment?<br/>10 A. During our discussions, yes, there was<br/>11 conversation about removing Jane Doe 3 from her<br/>12 position, yes.<br/>13 Q. And that -- that's what the conclusion<br/>14 of your memo should be, correct?<br/>15 A. My conclusion in my memo indicated that<br/>16 it is recommended that she be removed from the<br/>17 chief assessor position.<br/>18 Q. I understand that.<br/>19 But I'm asking before you -- were you<br/>20 supposed to come up with a means to justify an<br/>21 ends or were you supposed to come up with an<br/>22 independent conclusion?<br/>23 A. I came up with a conclusion based upon<br/>24 the information that I have received.</p> |



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| <p style="text-align: right;">Page 220</p> <p>1 Q. Did you feel that it was a fully</p> <p>2 informed conclusion?</p> <p>3 A. Yes. Based upon the fact that the STEB</p> <p>4 reports were not submitted and the impact that</p> <p>5 could have on the county and the tax role, that,</p> <p>6 yes, it was an appropriate decision.</p> <p>7 Q. So you're telling me that you were not</p> <p>8 told to come to a specific conclusion?</p> <p>9 A. I wasn't instructed to come to a</p> <p>10 specific conclusion, no.</p> <p>11 Q. Was it suggested that you should?</p> <p>12 A. No. But there were talks prior to us</p> <p>13 delving into this issue about the removal of Jane</p> <p>14 Doe 3 -- well, I should say the separation of the</p> <p>15 offices, which would have resulted in her removal</p> <p>16 in being over both offices.</p> <p>17 Q. If you struggled with putting the memo</p> <p>18 together, how can you believe that your conclusion</p> <p>19 was fully informed?</p> <p>20 A. Based upon the information I had, that's</p> <p>21 the conclusion I made.</p> <p>22 Q. Right.</p> <p>23 But based upon the information you had,</p> <p>24 you came to a conclusion. But I am saying, when</p> | <p style="text-align: right;">Page 222</p> <p>1 A. It was. However, as part of the</p> <p>2 operation, we talked about the field appraisers,</p> <p>3 those positions, and then it morphed into the</p> <p>4 discussions regarding the overall operation of the</p> <p>5 tax assessment office. And then we specifically</p> <p>6 then got into the concern about the STEB reports.</p> <p>7 Q. Okay.</p> <p>8 Next sentence says: During the</p> <p>9 discussion, a significant issue was revealed that</p> <p>10 caused a great concern regarding the efficient</p> <p>11 operation of the tax assessment office.</p> <p>12 The great concern was the STEB report,</p> <p>13 correct?</p> <p>14 A. Yes.</p> <p>15 Q. That was an issue that you believed had</p> <p>16 already been revealed prior to this discussion,</p> <p>17 had it not?</p> <p>18 A. Yes, I was aware of it prior to this</p> <p>19 discussion.</p> <p>20 Q. So why do you write during this</p> <p>21 discussion, a significant issue -- issue was</p> <p>22 revealed?</p> <p>23 A. We discussed it during -- as part of the</p> <p>24 meeting.</p> |
| <p style="text-align: right;">Page 221</p> <p>1 you came to that conclusion, did you feel that you</p> <p>2 had all of the information and knowledge to be</p> <p>3 able to be the person to reach that conclusion?</p> <p>4 A. Yes.</p> <p>5 Q. Okay.</p> <p>6 Let's look at the memo. First sentence</p> <p>7 says, on February 5, 2021, a meeting was held by</p> <p>8 the human resource office with Ms. Jane Doe 3 and</p> <p>9 Ms. Jane Doe 4 to discuss the operation of the tax</p> <p>10 assessment office.</p> <p>11 Do you see that?</p> <p>12 A. Yes.</p> <p>13 Q. That's that meeting you requested on</p> <p>14 January 27th in the e-mail we just looked at,</p> <p>15 correct?</p> <p>16 A. Yes.</p> <p>17 Q. It was you, Ms. Kutzler, Jane Doe 3, and</p> <p>18 Jane Doe 4 that were present?</p> <p>19 A. Yes.</p> <p>20 Q. No one else?</p> <p>21 A. Yes.</p> <p>22 Q. I thought that meeting was held to</p> <p>23 discuss the interim position, not the operation of</p> <p>24 the tax assessment --</p>                                                                                                                                                                                                | <p style="text-align: right;">Page 223</p> <p>1 Q. But revealed means for the first time.</p> <p>2 A. Well, it wasn't for the first time,</p> <p>3 so...</p> <p>4 Q. So that's an -- an error, correct?</p> <p>5 A. Well, maybe a misuse of a word.</p> <p>6 Q. Jane Doe 3 indicated that the reports</p> <p>7 that are filed with the State Tax Equalization</p> <p>8 Board by the tax assessment office are severally</p> <p>9 delinquent. Were those words specifically used by</p> <p>10 Jane Doe 3?</p> <p>11 A. I don't believe, no.</p> <p>12 Q. Okay.</p> <p>13 So she didn't indicate that they were</p> <p>14 severely delinquent?</p> <p>15 A. She probably did not use those words. I</p> <p>16 don't recall.</p> <p>17 Q. When you were meeting with Jane Doe 3</p> <p>18 and Jane Doe 4 on February 5th, did either you or</p> <p>19 Ms. Kutzler take notes?</p> <p>20 A. I believe we did, yes.</p> <p>21 Q. Okay.</p> <p>22 Were those handwritten or typed?</p> <p>23 A. They would have most likely been</p> <p>24 handwritten.</p>                                                                       |

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| <p>Page 224</p> <p>1 Q. Were they maintained anywhere?</p> <p>2 A. I don't recall.</p> <p>3 Q. Placed in Jane Doe 3's personnel file?</p> <p>4 A. No.</p> <p>5 Q. The conclusion of this memo is that she</p> <p>6 be removed from her position, correct?</p> <p>7 A. Yes.</p> <p>8 Q. And that would be a personnel issue?</p> <p>9 A. That was the recommendation to my</p> <p>10 supervisor, Mr. Bender.</p> <p>11 Q. So being that you were recommending a</p> <p>12 demotion of an employee, don't you think that</p> <p>13 notes regarding your conversation with her should</p> <p>14 have been included -- maintained in her personnel</p> <p>15 file?</p> <p>16 A. No. The resulting action would be</p> <p>17 placed in her personnel file.</p> <p>18 Q. It goes on to state a couple sentences</p> <p>19 down: Jane Doe 3 indicated that all reports for</p> <p>20 the 2020 calendar year must be uploaded by</p> <p>21 February 28, 2021, otherwise the Commonwealth will</p> <p>22 shut down the county's access to the system.</p> <p>23 Well, you were meeting with her on</p> <p>24 February 5th of 2021, correct?</p>                            | <p>Page 226</p> <p>1 Q. Well, that says they were delayed by one</p> <p>2 to two months. That doesn't talk about a grace</p> <p>3 period there.</p> <p>4 A. Then I don't recall if that was</p> <p>5 discussed during the meeting or not.</p> <p>6 Q. Okay.</p> <p>7 The next paragraph talks -- and the</p> <p>8 sentence specifically reads: Jane Doe 3 stated</p> <p>9 that Jane Doe 4 has been mentally destroyed by the</p> <p>10 harassment allegations made against the county.</p> <p>11 And it inhibits her ability to perform her work.</p> <p>12 Further, Jane Doe 3 also indicated that it is</p> <p>13 difficult for the reports to be completed outside</p> <p>14 of the tax assessment office and Jane Doe 1's</p> <p>15 placement in the 410 Building has hampered her</p> <p>16 ability to complete the reports.</p> <p>17 Did the county at any point at this</p> <p>18 time, February of 2021, consider disciplining Jane</p> <p>19 Doe 1?</p> <p>20 A. Not at this point, no.</p> <p>21 Q. Why was the -- why was Jane Doe 3</p> <p>22 disciplined then?</p> <p>23 A. She was ultimately responsible for the</p> <p>24 operations of her office.</p>                                                                          |
| <p>Page 225</p> <p>1 A. Yes.</p> <p>2 Q. So she still had 28 -- I'm sorry -- 23</p> <p>3 days -- terrible math -- to submit the 2020</p> <p>4 calendar year STEB reports, correct?</p> <p>5 A. Yes.</p> <p>6 Q. So if she still had 23 days, how were</p> <p>7 they severely delinquent?</p> <p>8 A. Because they were due each month</p> <p>9 following the month. Like, they were to be</p> <p>10 submitted on a monthly basis and they weren't</p> <p>11 submitted on a monthly basis, and so there were a</p> <p>12 number that were severely delinquent because they</p> <p>13 were submitted on a monthly basis as they were to</p> <p>14 be done.</p> <p>15 Q. Next sentence states: She explained</p> <p>16 that despite COVID, the real estate market has</p> <p>17 been very busy, causing the preparation of the</p> <p>18 STEB reports to be delayed by one or two months.</p> <p>19 Do you recall having conversations during</p> <p>20 this meeting with Jane Doe 3 and Jane Doe 4 that --</p> <p>21 about the grace period that the state had allowed</p> <p>22 for COVID?</p> <p>23 A. Yeah, by one to two months, based upon</p> <p>24 that.</p> | <p>Page 227</p> <p>1 Q. And is this memo the catalyst to what</p> <p>2 lead to Jane Doe 3 and Jane Doe 4's demotion?</p> <p>3 A. I don't know if it was the catalyst. It</p> <p>4 was a review of some information that I was asked</p> <p>5 to do, but I don't know if it was the actual</p> <p>6 catalyst which resulted in that.</p> <p>7 Q. Well, it was the start of it, correct?</p> <p>8 A. No. That -- those conversations were</p> <p>9 started prior to me getting to the county.</p> <p>10 Q. Okay.</p> <p>11 Why was Jane Doe 4 demoted?</p> <p>12 A. The -- the office -- the ultimate</p> <p>13 decision was to separate the offices. So in order</p> <p>14 to separate the offices, the positions of being</p> <p>15 the chief tax assessor and the director of tax</p> <p>16 claim needed to be separated because the offices</p> <p>17 were now separated. So that is -- was the</p> <p>18 decision that was made, to separate the positions</p> <p>19 and take them back to what they were before.</p> <p>20 Q. And the reason for the separation of the</p> <p>21 offices was because of the delinquency of the STEB</p> <p>22 reports?</p> <p>23 A. That amongst other reasons I'm sure that</p> <p>24 I wasn't privy to.</p> |

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| <p>Page 228</p> <p>1 Q. So you're not aware of any other<br/>2 reasons?</p> <p>3 A. I believe that there were also other<br/>4 reasons, I just didn't make -- I wasn't involved.<br/>5 I was involved with the STEB report issue.</p> <p>6 Q. Okay.<br/>7 So my question is: As you sit here<br/>8 today, are you aware of any other reasons that<br/>9 contributed -- and, again, it doesn't mean that<br/>10 none exist, but are you aware of any other reasons<br/>11 that Jane Doe 3 and Jane Doe 4 were demoted?</p> <p>12 MS. IPPOLITO: If you only know<br/>13 them based upon conversations with your attorney,<br/>14 I recommend that they do not be answered, the<br/>15 questions not be answered and I would object to<br/>16 these questions.</p> <p>17 THE WITNESS: I guess so. I'm not<br/>18 sure. The information I had related to the STEB<br/>19 reports.</p> <p>20 BY MS. SMITH:</p> <p>21 Q. That's the only information that you<br/>22 have? That's what I'm trying to clarify. Are you<br/>23 aware of any other reasons that Jane Doe 3 and<br/>24 Jane Doe 4 were demoted?</p>                       | <p>Page 230</p> <p>1 Halcovage's work location or otherwise.</p> <p>2 Q. Why do you believe you had no ability to<br/>3 control an elected official?</p> <p>4 A. Because I can't. As a county employee,<br/>5 I did not have any authority over his work within<br/>6 the county.</p> <p>7 Q. So --</p> <p>8 A. He's not an employee.</p> <p>9 Q. Who do you believe did?</p> <p>10 A. Well, apparently Mr. Groody did as the<br/>11 sheriff.</p> <p>12 Q. Did you ever go to Sheriff Groody and<br/>13 say, can you move to Defendant Halcovage to the<br/>14 410 so Jane Doe 1 can work from the courthouse?</p> <p>15 A. No, I did not.</p> <p>16 Q. Did you ever ask Defendant Halcovage,<br/>17 hey, do you mind working from a different building<br/>18 or working from home?</p> <p>19 A. I did not have those specific<br/>20 conversations with Mr. Halcovage.</p> <p>21 Q. This -- a memo on Paragraph 2 goes on to<br/>22 state: When asked what additional resources could<br/>23 be provided to Jane Doe 1 to complete the reports,<br/>24 Jane Doe 3 offered no further suggestions or</p> |
| <p>Page 229</p> <p>1 A. It was my -- my interaction was with the<br/>2 STEB reports.</p> <p>3 Q. Again, still I'm -- I'm just trying to<br/>4 get a concise answer here. I understand your<br/>5 involvement was with the STEB reports, that's<br/>6 what -- but do you have any knowledge? Again,<br/>7 let's start with just not what the knowledge was<br/>8 or who it came from, just do you have any<br/>9 knowledge for any other reason for their demotion,<br/>10 Jane Doe 3 and Jane Doe 4?</p> <p>11 A. No.</p> <p>12 Q. Okay.</p> <p>13 And again, in February, March 2021, Jane<br/>14 Doe 1 was not disciplined by the county?</p> <p>15 A. No, she was not.</p> <p>16 Q. Was there ever a consideration of<br/>17 relocating Defendant Halcovage to the 410 Building<br/>18 if, as Jane Doe 3 indicated to you, reports being<br/>19 completed outside the tax assessment office<br/>20 hampered Jane Doe 1's ability to complete the<br/>21 reports?</p> <p>22 A. I have no control over what an elected<br/>23 official can do, so I was not involved in any<br/>24 of -- further discussions regarding Mr.</p> | <p>Page 231</p> <p>1 information.</p> <p>2 Did you, before writing this report,<br/>3 speak with Defendant Kutzler?</p> <p>4 A. So I drafted the initial memo and then<br/>5 it was reviewed by Ms. Kutzler.</p> <p>6 Q. Okay.<br/>7 So --</p> <p>8 A. Based upon our meeting that we had.</p> <p>9 Q. But prior to drafting it, maybe not<br/>10 about the writing of the report, but the<br/>11 information used to come up with the contents of<br/>12 the report, did you speak with Ms. Kutzler about<br/>13 that?</p> <p>14 A. Yes, we had conversations, yes.</p> <p>15 Q. Were you -- again, because this is less<br/>16 than a month into your employment, were you aware<br/>17 of any issues or concerns that the plaintiff --<br/>18 plaintiffs had raised regarding their work<br/>19 environment prior to your employment?</p> <p>20 A. So I am -- I was aware of the issues<br/>21 that they raised about working out of the 410<br/>22 Building, yes.</p> <p>23 Q. Well, the ones we went over, like since<br/>24 your employment?</p>                                                    |

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| <p>Page 232</p> <p>1 A. Yes.</p> <p>2 Q. Okay.</p> <p>3 But any issues --</p> <p>4 A. I didn't have -- not that I can recall</p> <p>5 having any specific discussions about their work</p> <p>6 environment, no.</p> <p>7 Q. Okay.</p> <p>8 So let's -- I'm going to be go through a</p> <p>9 few of them. Are you aware that on July 15, 2020,</p> <p>10 Defendant Roth was notified that tax claim and</p> <p>11 assessment offices were understaffed, thus</p> <p>12 impacting Jane Doe 3 and Jane Doe 4's ability to</p> <p>13 perform their job duties?</p> <p>14 A. No.</p> <p>15 Q. Were you aware that on that same day,</p> <p>16 plaintiffs requested to be made aware of any</p> <p>17 changes in Defendant Halcovage's access to the</p> <p>18 courthouse so they would feel more comfortable</p> <p>19 reporting to their work environment?</p> <p>20 A. No.</p> <p>21 Q. Are you aware that on July 21st,</p> <p>22 plaintiffs notified Defendant Roth that Defendant</p> <p>23 Halcovage had climbed up a steep and dangerous</p> <p>24 embankment to where Jane Doe 3 and Jane Doe 4 were</p>                | <p>Page 234</p> <p>1 A. No.</p> <p>2 Q. Are you aware that a PAR -- prior to</p> <p>3 your employment in 2020, a PAR was completed by</p> <p>4 the treasurer's office for Dana Murray's transfer</p> <p>5 out of the tax claim bureau and into the</p> <p>6 treasurer's office with less than two weeks</p> <p>7 notice?</p> <p>8 A. No.</p> <p>9 Q. Are you aware that on August 12, 2020,</p> <p>10 Jane Doe 3 informed Defendant Roth that her</p> <p>11 offices were having photo issues with govern.</p> <p>12 They only had person doing full-time field work,</p> <p>13 one who was training, new clerk typist two, no</p> <p>14 clerk typist one, and a program -- program</p> <p>15 coordinator who was new and thus still learning</p> <p>16 her position and permits coming in volumes,</p> <p>17 causing field work to be very backed up?</p> <p>18 A. No.</p> <p>19 Q. Are you in -- aware that in that same</p> <p>20 e-mail Defendant -- Jane Doe 3 informed Defendant</p> <p>21 Roth that her office -- office, tax claims, was</p> <p>22 understaffed -- I'm sorry -- tax assessment was</p> <p>23 understaffed?</p> <p>24 MS. IPPOLITO: Catherine, what are</p> |
| <p>Page 233</p> <p>1 at the time?</p> <p>2 A. I was made aware of that based upon,</p> <p>3 like, external press coverage, not through my</p> <p>4 county employment.</p> <p>5 Q. Okay.</p> <p>6 But did you specifically know that</p> <p>7 Defendant Roth had been made aware of it?</p> <p>8 A. No.</p> <p>9 Q. Were you made aware that plaintiffs had</p> <p>10 raised concerns with safety, their safety at the</p> <p>11 courthouse, given that action by Defendant</p> <p>12 Halcovage?</p> <p>13 A. That action, no.</p> <p>14 Q. Are you aware that on July -- I'm</p> <p>15 sorry -- the same day, July 21, 2020, plaintiffs</p> <p>16 notified that Defendant Roth and Defendant</p> <p>17 Halcovage had entered the courthouse, gone through</p> <p>18 to metal detector, as at the time he was required,</p> <p>19 exited the courthouse, and then retrieved a bag</p> <p>20 from his car and entered the courthouse again</p> <p>21 without going back through the metal detector?</p> <p>22 A. No.</p> <p>23 Q. Are you aware that they raised concerns</p> <p>24 with their safety as a result of this?</p> | <p>Page 235</p> <p>1 you reading from?</p> <p>2 MS. SMITH: I am reading from --</p> <p>3 these are all e-mails that are in the production.</p> <p>4 I'm asking if she's aware of them.</p> <p>5 MS. IPPOLITO: Do you have --</p> <p>6 MS. SMITH: I'll give you the Bates</p> <p>7 stamps, but I won't produce them, but -- I won't</p> <p>8 mark them.</p> <p>9 MS. IPPOLITO: Yeah, give me the</p> <p>10 Bates stamps.</p> <p>11 MS. SMITH: So it's Doe</p> <p>12 Supplemental 215, 223, 224 through 226, 240, 289,</p> <p>13 255 to 256, and 284.</p> <p>14 BY MS. SMITH:</p> <p>15 Q. Are you aware that on August 14, 2020,</p> <p>16 Jane Doe 3 and Jane Doe 4 requested that they not</p> <p>17 have to communicate with Defendant Roth, Bender,</p> <p>18 Halcovage, and to be provided alternative points</p> <p>19 of contact for work-related matters?</p> <p>20 A. I'm aware of that after my employment</p> <p>21 started, as Mr. Bender -- there was some</p> <p>22 disagreement between Mr. Bender and what the</p> <p>23 agreement was supposed to be, I'm aware of that --</p> <p>24 Q. Okay.</p>                                                                 |



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| <p>Page 236</p> <p>1 A. -- issue.</p> <p>2 Q. Are you aware on that same day, Jane Doe</p> <p>3 1 and Jane Doe 2 requested to be permitted to</p> <p>4 continue work from home, but with weekly access to</p> <p>5 the courthouse without having to come into contact</p> <p>6 with Defendant Halcovage, Bender, and Roth, and</p> <p>7 that they be provided the equipment and tools</p> <p>8 necessary for them to fulfill their job</p> <p>9 requirements from home?</p> <p>10 A. No.</p> <p>11 Q. Are you aware that in August of 20 --</p> <p>12 I'm sorry -- 2020, Jane Doe 3 informed</p> <p>13 Commissioner Hess and Hetherington that she has</p> <p>14 been requesting that Defendant Bender post vacant</p> <p>15 positions in her offices and that Bend --</p> <p>16 Defendant Bender did not communicate timely and</p> <p>17 that this prolonged staffing issues with her</p> <p>18 office?</p> <p>19 A. No.</p> <p>20 Q. Are you aware the same e-mail Jane Doe 3</p> <p>21 voiced her concern that Defendant Bender never</p> <p>22 reached out to make the plaintiffs feel safe in</p> <p>23 the courthouse and that she and Jane Doe 4 reached</p> <p>24 out to Defendant Bender to make changes so that</p> | <p>Page 238</p> <p>1 September of 2020 had completed the necessary</p> <p>2 paperwork for leasing the vehicles for the</p> <p>3 assessment office, specifically field appraisers,</p> <p>4 which was submitted -- which was submitted to</p> <p>5 Defendant Bender?</p> <p>6 A. No.</p> <p>7 Q. Are you aware that Jane Doe 3 in</p> <p>8 September of 2020 informed Commissioner</p> <p>9 Hetherington and Commissioner Hess that Defendant</p> <p>10 Bender had not approved these -- the paperwork for</p> <p>11 the leasing of these vehicles?</p> <p>12 A. No.</p> <p>13 Q. Are you aware that Defendant Bender</p> <p>14 never approved the lease of these vehicles during</p> <p>15 Jane Doe 3's time as chief assessor?</p> <p>16 A. I'm not aware of the request, so I'm not</p> <p>17 aware of approval, no.</p> <p>18 Q. Are you aware that he approved it? I</p> <p>19 don't know if it was under Alu or Hatter, I</p> <p>20 apologize, but he did eventually approve a</p> <p>21 request?</p> <p>22 A. I do recall there were leases done for</p> <p>23 the tax assessment office. I don't recall when.</p> <p>24 I think they were put on the board agenda for</p> |
| <p>Page 237</p> <p>1 they could continue to run their offices, which</p> <p>2 were struggling due to the disruption caused by</p> <p>3 Defendant Halcovage's conduct -- conduct and that</p> <p>4 the assessment work was piling up because they</p> <p>5 were not fully staffed?</p> <p>6 A. No.</p> <p>7 Q. Are you aware that on September 4, 2020,</p> <p>8 Jane Doe 2 and Jane Doe 1 had not been provided</p> <p>9 safe weekly access to the courthouse, nor the</p> <p>10 necessary equipment and supplies needed to perform</p> <p>11 their job duties from home?</p> <p>12 A. No.</p> <p>13 Q. Are you aware that on September 4th,</p> <p>14 Jane Doe 3 and Jane Doe 4 requested to work from</p> <p>15 home or alternatively work from home for a few</p> <p>16 days as they believed it would be more productive</p> <p>17 working from home?</p> <p>18 A. No.</p> <p>19 Q. Are you aware that in September of 2020,</p> <p>20 assessment appeal hearings removed last minute and</p> <p>21 as a result, Jane Doe 3 and Jane Doe 4 had to</p> <p>22 complete additional work?</p> <p>23 A. No.</p> <p>24 Q. Are you aware that Jane Doe 3 in</p>                                                                   | <p>Page 239</p> <p>1 review and approval.</p> <p>2 Q. Do you know if it was after March of</p> <p>3 2021?</p> <p>4 A. I believe it was, yes.</p> <p>5 Q. So it was after Jane Doe 3's demotion,</p> <p>6 correct?</p> <p>7 A. Yes.</p> <p>8 Q. Are you aware that on October 15, 2020,</p> <p>9 Jane Doe 3 informed Defendant Kutzler that the</p> <p>10 county's denial to increase Helene O'Connor's</p> <p>11 hourly wage by -- as a result of the county's</p> <p>12 denial to increase Helene O'Connor's hourly wage</p> <p>13 by \$5, Ms. O'Connor was not willing to continue to</p> <p>14 work for the county?</p> <p>15 MS. PIPAK: I am going to object to</p> <p>16 the form.</p> <p>17 Go ahead, you can answer.</p> <p>18 THE WITNESS: I'm not aware of the</p> <p>19 specific situation, but did hear that there was</p> <p>20 some discussion about Ms. O'Connor's hourly rate,</p> <p>21 but the specifics I'm not aware of.</p> <p>22 BY MS. SMITH:</p> <p>23 Q. Are you aware that Jane Doe 3 informed</p> <p>24 Ms. Kutzler that as a result of Ms. O'Connor not</p>                                                                                           |



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| <p>Page 240</p> <p>1 extending her work with the county, that the</p> <p>2 assessment office or one of Jane Doe 3's offices</p> <p>3 wouldn't be able to complete the annual</p> <p>4 certification on time?</p> <p>5 A. No.</p> <p>6 Q. Are you aware that prior to October 15,</p> <p>7 2020, Jane Doe 3 had discussed the work</p> <p>8 environment caused by the sexual harassment,</p> <p>9 COVID, new staff, and three people being out to</p> <p>10 CPE classes with numerous county employees?</p> <p>11 A. No.</p> <p>12 Q. Okay.</p> <p>13 I, candidly, stopped there because I</p> <p>14 thought that that was enough of 2020 e-mails. But</p> <p>15 those, having heard those things, and assuming</p> <p>16 they are all true, which I'll represent to you</p> <p>17 they are supported by e-mails, does it change your</p> <p>18 opinion as to Jane Doe 3's request for additional</p> <p>19 resources to have STEB reports completed?</p> <p>20 MS. PIPAK: I'm going to object to</p> <p>21 the form.</p> <p>22 You can answer.</p> <p>23 THE WITNESS: No. I believe the</p> <p>24 STEB reports were to be done by Jane Doe 1. They</p>                                   | <p>Page 242</p> <p>1 Do you think information regarding</p> <p>2 requests, staffing issues, comments, concerns that</p> <p>3 occurred prior to your employment, would have been</p> <p>4 relevant or useful to writing a report such as</p> <p>5 this, this being Exhibit-118?</p> <p>6 A. Again, my report was focused on the STEB</p> <p>7 reports. So potential if those impacted the STEB</p> <p>8 reports, yes, it would have been relevant. But I</p> <p>9 focused on the completion of the STEB reports.</p> <p>10 Q. Okay.</p> <p>11 So let's unpack that in connection with</p> <p>12 what you testified to earlier.</p> <p>13 The STEB reports you were indicating</p> <p>14 were completed based off information pulled out of</p> <p>15 govern, correct?</p> <p>16 A. Yes, that's my understanding.</p> <p>17 Q. If govern -- if the information in</p> <p>18 govern was inputted -- input by field appraisers</p> <p>19 and Jane Doe 3 had -- I think the one e-mail she</p> <p>20 indicated she had one field appraiser and one in</p> <p>21 training?</p> <p>22 A. I don't believe that the STEB report is</p> <p>23 based upon information put in by field appraisers.</p> <p>24 It's based upon the deeds that are put into the</p> |
| <p>Page 241</p> <p>1 were her responsibility. And, I mean, they are</p> <p>2 based upon whatever information was done by the</p> <p>3 field assessors or the field appraisers position.</p> <p>4 So, I mean, regardless if they were out doing</p> <p>5 properties or if things were being done, that</p> <p>6 information was still -- whatever was put in the</p> <p>7 system can be pulled out of the system and that's</p> <p>8 what she completed her STEB report based upon.</p> <p>9 And given that the STEB reports</p> <p>10 were severally delinquent and the potential for</p> <p>11 the impact of not having those STEB reports</p> <p>12 completed on a timely basis to the county, that is</p> <p>13 what my recommendation was based on.</p> <p>14 BY MS. SMITH:</p> <p>15 Q. If you had had all the information that</p> <p>16 I just went over, would you have come to a</p> <p>17 different conclusion as to whether Jane Doe 3</p> <p>18 should be removed from her position?</p> <p>19 MS. PIPAK: I am going to object to</p> <p>20 the form.</p> <p>21 THE WITNESS: I don't -- I don't</p> <p>22 know. I -- I don't.</p> <p>23 BY MS. SMITH:</p> <p>24 Q. Okay.</p> | <p>Page 243</p> <p>1 system and that is, my understanding, done by the</p> <p>2 clerk typist in the office. And then the</p> <p>3 information is pulled out of the system to</p> <p>4 validate whether or not the sales are accurate or</p> <p>5 if they're valid sales. So if they were like</p> <p>6 family to family or other valid -- or other</p> <p>7 exemptions that would be put in. I don't believe</p> <p>8 that they have any impact on the field appraiser</p> <p>9 work.</p> <p>10 Q. As you sit here today, can you tell me</p> <p>11 with certainty that the STEB reports do not</p> <p>12 require any data to -- that the STEB reports do</p> <p>13 not require the field appraisers to have input</p> <p>14 certain data before they can be completed?</p> <p>15 MS. PIPAK: Object to the form.</p> <p>16 Go ahead.</p> <p>17 THE WITNESS: I don't -- I can't</p> <p>18 say that with absolute certainty, no.</p> <p>19 BY MS. SMITH:</p> <p>20 Q. Okay.</p> <p>21 At the time you wrote this memo, could</p> <p>22 you have said that with absolute certainty?</p> <p>23 A. No.</p> <p>24 Q. Okay.</p>                                                                                                                             |

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| <p style="text-align: right;">Page 244</p> <p>1 In order to decide who or what position</p> <p>2 was causing the delinquency of the STEB report,</p> <p>3 wouldn't it be important to know the complete</p> <p>4 process from start to finish?</p> <p>5 A. Based upon the information I had, it was</p> <p>6 based upon the work that was required of the real</p> <p>7 estate market analyst position.</p> <p>8 Q. But you didn't understand the process</p> <p>9 from start to finish, correct?</p> <p>10 MS. PIPAK: Objection to the form.</p> <p>11 Go ahead.</p> <p>12 THE WITNESS: I knew that she was</p> <p>13 required to pull the report, review the report,</p> <p>14 and then make any notations and then upload it to</p> <p>15 the state and then that was not -- but that was</p> <p>16 not being completed.</p> <p>17 BY MS. SMITH:</p> <p>18 Q. But you don't know the report, from</p> <p>19 where that information came, correct?</p> <p>20 A. Not all of it, no.</p> <p>21 Q. Okay.</p> <p>22 So if -- let's say it was a field</p> <p>23 appraiser, even a clerk typist one, whoever was</p> <p>24 inputting that data from which she then -- Jane</p> | <p style="text-align: right;">Page 246</p> <p>1 offices be separated and as such, that Jane Doe 3</p> <p>2 would be removed from either one of those</p> <p>3 positions.</p> <p>4 Q. If we look to the middle of the third</p> <p>5 paragraph on the first page, it starts with</p> <p>6 further. It's 414. Second page. Sorry. I might</p> <p>7 have said third.</p> <p>8 Do you see that sentence?</p> <p>9 A. Uh-huh.</p> <p>10 Q. Further, the 410 building office</p> <p>11 provided to Jane Doe 1 was not sufficient for her</p> <p>12 to perform her duties. Jane Doe 3 did nothing to</p> <p>13 request any additional resources for Jane Doe 1 to</p> <p>14 perform her duties, nor offered any suggestions</p> <p>15 how these reports can be completed and brought up</p> <p>16 to date.</p> <p>17 Is that your synopsis or conclusion</p> <p>18 based off of just the February 5, 2021, meeting?</p> <p>19 A. No. There was also an e-mail that was</p> <p>20 provided by Jane Doe 3 early in January, which</p> <p>21 indicated that, yes, it would be beneficial for</p> <p>22 Jane Doe 1 to work out of the tax assessment</p> <p>23 office to complete the STEB reports. However,</p> <p>24 that she did still have the ability to do them</p>          |
| <p style="text-align: right;">Page 245</p> <p>1 Doe 1 then pull the report, if they weren't doing</p> <p>2 their job, so she couldn't do her job, wouldn't</p> <p>3 that be something that would be important to know?</p> <p>4 A. Yes.</p> <p>5 Q. Did you -- again, did you ever find out</p> <p>6 who was inputting the data?</p> <p>7 A. No, I did not.</p> <p>8 Q. Did you ever determine if it was them,</p> <p>9 the inputter, versus Jane Doe 1, the report</p> <p>10 puller, that was responsible for the delay?</p> <p>11 A. No.</p> <p>12 Q. Okay.</p> <p>13 But you -- you determined, based off my</p> <p>14 reading of your report, that it was Jane Doe 1's</p> <p>15 issue, correct?</p> <p>16 A. Jane Doe 1 was -- her position was</p> <p>17 responsible for submitting the STEB reports.</p> <p>18 Q. Okay.</p> <p>19 So, again, why was it then that you</p> <p>20 believe Jane Doe 3 should be removed from her</p> <p>21 position?</p> <p>22 A. She was ultimately responsible for the</p> <p>23 office and the operation of that office. And it</p> <p>24 was recommended that those positions -- the</p>                                            | <p style="text-align: right;">Page 247</p> <p>1 from the office in the 410 Building.</p> <p>2 Q. Did you consider the fact that in the</p> <p>3 paragraph prior to that, Jane Doe 3 indicated to</p> <p>4 you that Jane Doe 1 had been mentally destroyed by</p> <p>5 harassment, which inhibited her ability to perform</p> <p>6 her work?</p> <p>7 A. No, wait. Can you state the question</p> <p>8 again? I'm sorry.</p> <p>9 BY MS. SMITH:</p> <p>10 Q. You said Jane Doe 3 did nothing to</p> <p>11 request addition resources, nor offer any -- nor</p> <p>12 offered any suggestions as how these reports can</p> <p>13 be completed and brought up to date.</p> <p>14 In the paragraph prior to that it says,</p> <p>15 Jane Doe 1 was mentally destroyed and that the</p> <p>16 placement in the 410 Building has hampered her</p> <p>17 ability to complete her reports.</p> <p>18 Did you not consider that a suggestion</p> <p>19 that Jane Doe 1 be permitted to either work from</p> <p>20 home or work at the courthouse?</p> <p>21 A. No. Based upon her e-mail that she</p> <p>22 previously provided, Jane Doe 1 should have the</p> <p>23 ability to complete the STEB reports from her</p> <p>24 office at the 410 Building. So, yes, there was</p> |

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| <p style="text-align: right;">Page 248</p> <p>1 discussion about having Jane Doe 1 work out of the</p> <p>2 courthouse and we certainly would have</p> <p>3 accommodated that, but she did not want to do</p> <p>4 that.</p> <p>5 Q. Right.</p> <p>6 Because she didn't want to work there</p> <p>7 because Defendant Halcovage was still there,</p> <p>8 correct?</p> <p>9 MS. PIPAK: Objection to form.</p> <p>10 THE WITNESS: I don't know why she</p> <p>11 didn't want to work there. I'm assuming, yes,</p> <p>12 that's why she didn't want to work there.</p> <p>13 BY MS. SMITH:</p> <p>14 Q. Did you ever ask her?</p> <p>15 A. No.</p> <p>16 Q. Did you --</p> <p>17 A. Actually, yes, I think we did have a</p> <p>18 conversation, now that I think about it. Yes, I</p> <p>19 did have a conversation with Jane Doe 1 about --</p> <p>20 and Jane Doe 2 about returning to the courthouse.</p> <p>21 And, yes, they did indicate that they did not want</p> <p>22 to be there because of Mr. Halcovage.</p> <p>23 Q. Do you remember when that was?</p> <p>24 A. No, I don't.</p> | <p style="text-align: right;">Page 250</p> <p>1 Q. You then, kind of just as you testified,</p> <p>2 the last sentence in this paragraph states:</p> <p>3 However, Jane Doe 3 had failed to utilize them to</p> <p>4 assist in the operation of the office.</p> <p>5 Where did the information for that</p> <p>6 conclusion come from?</p> <p>7 A. I was made aware that -- that these</p> <p>8 additional retirees or former employees were hired</p> <p>9 as kind of a per-diem basis and that they weren't</p> <p>10 utilized and I did confirm that with payroll</p> <p>11 records because they weren't paid.</p> <p>12 Q. Was one of the individuals Helene</p> <p>13 O'Connor?</p> <p>14 A. No.</p> <p>15 Q. Okay.</p> <p>16 Did you speak with the two individuals?</p> <p>17 A. The two..?</p> <p>18 Q. Per diems?</p> <p>19 A. No, I did not.</p> <p>20 Q. Did you ask them -- strike that.</p> <p>21 Let's kind of walk through how per diem</p> <p>22 works.</p> <p>23 Are per diem employees voted on by the</p> <p>24 commissioners?</p> |
| <p style="text-align: right;">Page 249</p> <p>1 Q. Do you know if it was after or before</p> <p>2 February 5th?</p> <p>3 A. It was after.</p> <p>4 Q. I'm sorry.</p> <p>5 2021.</p> <p>6 This sentence goes -- paragraph goes on</p> <p>7 to state that Jane Doe 3 has also not availed</p> <p>8 herself to additional assistance provided to the</p> <p>9 tax assessment office by the county.</p> <p>10 What additional assistance did the</p> <p>11 county provide to Jane Doe 3?</p> <p>12 A. There were recent retirees and former</p> <p>13 employees who were hired to come back in and</p> <p>14 provide assistance to the tax assessment office</p> <p>15 and they were not utilized in that capacity.</p> <p>16 Q. Who were those retirees that --</p> <p>17 A. I believe -- I believe one was Deb</p> <p>18 Detweiler and the other one I can't recall her</p> <p>19 name.</p> <p>20 Q. Do you know when Deb Detweiler was</p> <p>21 brought back to the county?</p> <p>22 A. I do not.</p> <p>23 Q. The other was a female though?</p> <p>24 A. I believe it was a female, yes.</p> | <p style="text-align: right;">Page 251</p> <p>1 A. Yes.</p> <p>2 Q. And the salary board?</p> <p>3 A. Yes.</p> <p>4 Q. And it's a set number of hours that</p> <p>5 they -- or I should say, a max number of hours</p> <p>6 that they can work?</p> <p>7 A. Yes. I believe they're put on the</p> <p>8 agenda based upon up to a certain number of hours.</p> <p>9 Q. At a specific hourly rate?</p> <p>10 A. Yes.</p> <p>11 Q. Okay.</p> <p>12 Who sets the schedule for those</p> <p>13 individuals?</p> <p>14 A. I believe they're typically done by the</p> <p>15 supervisor.</p> <p>16 Q. If a per diem employee can work up to,</p> <p>17 let's say, 20 hours a week, if that's what the PAR</p> <p>18 was approved for, but they only want to work ten,</p> <p>19 what happens then?</p> <p>20 A. They would work ten hours.</p> <p>21 Q. So other than seeing that they -- these</p> <p>22 per diem employees did not work, is there any</p> <p>23 other confirmation that it was Jane Doe 3's</p> <p>24 failure to utilize them?</p>         |

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| <p>Page 252</p> <p>1 A. No. Just my review of the records of<br/>2 payroll.<br/>3 Q. So is it possible then that these<br/>4 employees did not want to work those hours for<br/>5 other reasons?<br/>6 A. Yes.<br/>7 Q. Do you know, what was Deb Detweiler's<br/>8 position for which she was hired when she was per<br/>9 diem?<br/>10 A. I don't know.<br/>11 Q. Was she a real estate market analyst?<br/>12 A. No. I believe -- I believe she was a<br/>13 field appraiser, assessor, something to that<br/>14 effect. I don't -- I don't exactly know.<br/>15 Q. Do you know, did Deb Detweiler have the<br/>16 ability or knowledge to complete the STEB reports?<br/>17 A. I do not know.<br/>18 Q. Is the other individual Diane Ruscavage?<br/>19 A. Yes.<br/>20 Q. And does Ms. Ruscavage have the ability<br/>21 or knowledge to complete STEB reports?<br/>22 A. I don't know.<br/>23 Q. Okay.<br/>24 So how do you know that -- even if Jane</p>                                                                                                      | <p>Page 254</p> <p>1 employee and ask them who could -- who had the<br/>2 ability to complete the STEB reports?<br/>3 A. No.<br/>4 Q. And again, in fact, on February 5th,<br/>5 they were not yet late, correct?<br/>6 A. They were late. There was a drop-dead<br/>7 deadline of February 28th for all of the reports<br/>8 for the 2021 calendar year to be submitted and<br/>9 uploaded.<br/>10 Q. And thus, there was -- as that date, the<br/>11 drop-dead date had not been missed, there was no<br/>12 negative consequences to the county, correct?<br/>13 A. Correct.<br/>14 Q. When you wrote this memo, did you<br/>15 consider that Jane Doe 1, for a number of months<br/>16 after the COVID grace period, had requested<br/>17 supplies to work from home?<br/>18 A. No, I was not aware.<br/>19 Q. So Jane Doe 1, as you're understanding<br/>20 it, is that from -- well, strike that.<br/>21 Are you aware that the county furloughed<br/>22 employees due to COVID?<br/>23 A. Yes, I am aware of that.<br/>24 Q. Are you aware that Jane Doe 1 and Jane</p>                                                                           |
| <p>Page 253</p> <p>1 Doe 3 had failed to utilize them, that it would<br/>2 have impacted the STEB report completion?<br/>3 A. I don't know that.<br/>4 Q. Are you aware that Ms. Ruscavage did not<br/>5 work during this period prior to 2021, because of<br/>6 COVID and she had moved?<br/>7 A. No, I'm not aware of that.<br/>8 Q. At any point in your -- well, at any<br/>9 point ever, did you come to learn the -- did you<br/>10 come to learn about Jane Doe 3's -- how do I<br/>11 phrase this? Jane Doe 3's improvements to the tax<br/>12 assessment office after she took over?<br/>13 A. No.<br/>14 Q. Okay.<br/>15 Prior to recommending that she be<br/>16 removed from her position, did you speak with any<br/>17 tax assessment employees, current or former, and<br/>18 ask them what they thought of her as a supervisor?<br/>19 A. No, I did not.<br/>20 Q. Why?<br/>21 A. I focused, again, on the STEB reports<br/>22 and I did not go and speak with the tax assessment<br/>23 employees.<br/>24 Q. Did you speak with any assessment</p> | <p>Page 255</p> <p>1 Doe 2 were two of those employees?<br/>2 A. Yes.<br/>3 Q. And there was a period of time, I think<br/>4 it was April -- April 2020 to July 2020, that<br/>5 county employees who were furloughed did not work<br/>6 at all?<br/>7 A. Yes. I believe -- yes, I'm aware that<br/>8 there was a period of time where the furloughed<br/>9 county employees did not work.<br/>10 Q. And then there was a period of time that<br/>11 some of the furloughed employees were changed from<br/>12 furloughed status to work-from-home status?<br/>13 A. Yes. I'm aware that certain departments<br/>14 did permit staff to work from home and then they<br/>15 also potentially worked a few days in the office<br/>16 or like a hybrid kind of schedule, yes.<br/>17 Q. Because that April to, like, July period<br/>18 was kind of the learning curve of transferring<br/>19 things to someone's home due to COVID, correct?<br/>20 A. Yes.<br/>21 Q. And then once they got up and running<br/>22 with that the new normal, as we've called it, some<br/>23 of those employees could perform their duties from<br/>24 home, correct?</p> |



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| <p>Page 256</p> <p>1 A. Yes.</p> <p>2 Q. And are you aware that Jane Doe 1 was</p> <p>3 one of those individuals who was brought back from</p> <p>4 furlough in a work-from-home status?</p> <p>5 A. I don't -- I'm not aware. I know she</p> <p>6 was furloughed. I don't know exactly whether she</p> <p>7 worked from home full time, if she had a hybrid,</p> <p>8 that I don't know when she returned or if she had</p> <p>9 to just come back in the office.</p> <p>10 Q. Are you --</p> <p>11 A. That I'm not aware.</p> <p>12 Q. So you don't know if she ever came --</p> <p>13 between May of 2020 and January of 2021, you don't</p> <p>14 know if she ever came back?</p> <p>15 A. I don't know.</p> <p>16 Q. Okay.</p> <p>17 But prior to January of 2020, are you</p> <p>18 aware of what equipment Jane Doe 1 was provided at</p> <p>19 her home to complete her job duties?</p> <p>20 A. January of 2021?</p> <p>21 Q. Sorry. Yeah.</p> <p>22 From May of -- prior to January of 2021,</p> <p>23 are you aware of what supplies, if any, Jane Doe 1</p> <p>24 was provided to --</p>                                 | <p>Page 258</p> <p>1 with about this issue, why was he not included in</p> <p>2 this meeting?</p> <p>3 A. In the meeting?</p> <p>4 Q. The February 5th meeting.</p> <p>5 A. Ms. Kutzler and I were asked to address</p> <p>6 the field appraiser position and then also talk</p> <p>7 about -- well, it morphed into talking about the</p> <p>8 full operations of the office. And that meeting</p> <p>9 was just with me and her. We didn't believe Mr.</p> <p>10 Bender needed to be part of that meeting.</p> <p>11 Q. Ms. Kutzler, what would you say her</p> <p>12 knowledge -- level of knowledge about the STEB</p> <p>13 reports was in February of 2021?</p> <p>14 A. I don't know.</p> <p>15 Q. Mr. Bender, as county administrator, was</p> <p>16 the supervisor for the tax assessment office,</p> <p>17 correct?</p> <p>18 A. Yes.</p> <p>19 Q. Did he -- did he give you any</p> <p>20 information regarding the STEB reports or their</p> <p>21 completion?</p> <p>22 A. He, I believe, was the one who provided</p> <p>23 me with the memo that was issued from the tax --</p> <p>24 state tax mutualization board regarding the</p> |
| <p>Page 257</p> <p>1 A. I don't know.</p> <p>2 Q. Okay.</p> <p>3 If Jane Doe 1 had not been provided the</p> <p>4 necessary supplies to complete the STEB reports</p> <p>5 from home, would that change your opinion as to</p> <p>6 whether it was her failure or someone else's?</p> <p>7 A. Potentially. I don't know the</p> <p>8 situation. I need to kind of review that. But at</p> <p>9 the end of the day, the STEB reports needed to be</p> <p>10 completed by someone.</p> <p>11 Q. Okay.</p> <p>12 Looking at the next page, 415, the</p> <p>13 second to last paragraph starts with further.</p> <p>14 Further, it is noted that Jane Doe 3 has failed to</p> <p>15 communicate with, I think it should say, her</p> <p>16 direct supervisor, county administrator Gary</p> <p>17 Bender regarding the issue.</p> <p>18 Do you see that?</p> <p>19 A. Yes.</p> <p>20 Q. Are you aware of, if prior to January</p> <p>21 and February of 2021, Jane Doe 3 was ever required</p> <p>22 to speak with Mr. Bender regarding STEB reports?</p> <p>23 A. I'm not aware.</p> <p>24 Q. If Mr. Bender should have been spoken</p> | <p>Page 259</p> <p>1 delinquency.</p> <p>2 Q. But no information on, like, the start</p> <p>3 to finish process?</p> <p>4 A. No.</p> <p>5 Q. The next sentence says: She did not</p> <p>6 seek any assistance or guidance from her</p> <p>7 supervisor on how to remedy the severe delinquency</p> <p>8 in the STEB reports -- STEB report filings.</p> <p>9 Do you see that?</p> <p>10 A. Yes.</p> <p>11 Q. Where did that information come from?</p> <p>12 A. Mr. Bender.</p> <p>13 Q. So if there's an e-mail that is Jane Doe</p> <p>14 3 seeking his guidance and supervision, then that</p> <p>15 would be an inaccurate statement on his part,</p> <p>16 correct?</p> <p>17 A. Potentially.</p> <p>18 Q. In addition, Mr. Bender has also</p> <p>19 reported Jane Doe 3's unwillingness to proceed</p> <p>20 with other projects and recommendations that he</p> <p>21 has presented to her for consideration and</p> <p>22 implementation.</p> <p>23 What other projects and recommendations</p> <p>24 did he present to her?</p>                                                                                                            |



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| <p style="text-align: right;">Page 260</p> <p>1 A. He requested interim billing to be</p> <p>2 considered. And based upon the information I</p> <p>3 received from him, that Jane Doe 3 told him that</p> <p>4 she was not going to proceed with that process.</p> <p>5 And I believe that was a conversation with Mr.</p> <p>6 Bender, Ms. Marchalk as the treasurer, and Jane</p> <p>7 Doe 3.</p> <p>8 Q. Any others?</p> <p>9 A. I don't recall.</p> <p>10 Q. Okay.</p> <p>11 Did Mr. Bender provide you with any</p> <p>12 communication documenting that interim billing</p> <p>13 conversation?</p> <p>14 A. No.</p> <p>15 Q. Are you aware of the fact that the</p> <p>16 county did not being to do interim billing, I</p> <p>17 believe, until after Jane Doe 3 was demoted?</p> <p>18 A. Yes.</p> <p>19 Q. Okay.</p> <p>20 Do you know when that was actually</p> <p>21 implementing?</p> <p>22 A. I don't exactly know. And I don't know</p> <p>23 if it has been. I don't know.</p> <p>24 Q. Okay.</p> | <p style="text-align: right;">Page 262</p> <p>1 submission by Mr. Bender, of the reports by Mr.</p> <p>2 Bender.</p> <p>3 Q. Okay.</p> <p>4 Jane Doe 3 then responds to you that</p> <p>5 same day. We would agree that this is 13 days</p> <p>6 later, correct?</p> <p>7 A. Yes.</p> <p>8 Q. Obviously probably at least one weekend</p> <p>9 in there; would you agree?</p> <p>10 A. Yes.</p> <p>11 Q. If we look at Paragraph 3 of Jane Doe</p> <p>12 3's e-mail on Page 1, it starts with when we met.</p> <p>13 She says: When we met, I failed to</p> <p>14 remind you that Jane Doe 1 was furloughed for</p> <p>15 three months and there were two months which</p> <p>16 followed the furlough in which Jane Doe 1 waited</p> <p>17 for the county to provide a workspace that was</p> <p>18 suitable.</p> <p>19 So that would be at least five months,</p> <p>20 would you agree, that Jane Doe 1 couldn't complete</p> <p>21 the STEB reports?</p> <p>22 A. Based upon her information, yes.</p> <p>23 Q. This paragraph Jane Doe 3 goes on to</p> <p>24 state, the second to last sentence: Between Jane</p>         |
| <p style="text-align: right;">Page 261</p> <p>1 So you don't even know if it's been?</p> <p>2 A. I don't know.</p> <p>3 Q. Okay.</p> <p>4 A. I don't know.</p> <p>5 MS. SMITH: We're going to look at</p> <p>6 Zula 451 to 453, Exhibit 119.</p> <p>7 - - -</p> <p>8 (Zula 451-453 marked as Exhibit-119 for</p> <p>9 identification.)</p> <p>10 - - -</p> <p>11 BY MS. SMITH:</p> <p>12 Q. Do you recognize this e-mail chain?</p> <p>13 A. Yes.</p> <p>14 Q. The first e-mail, which is on Page 2,</p> <p>15 Zula 452, a little bit onto 453, is an e-mail from</p> <p>16 you to Jane Doe 3 regarding that February 25,</p> <p>17 2021, conversation, right?</p> <p>18 A. Yes.</p> <p>19 Q. Who requested or did you do it on your</p> <p>20 own accord, this e-mail?</p> <p>21 A. The original e-mail, the February 18th</p> <p>22 e-mail?</p> <p>23 Q. Correct.</p> <p>24 A. I was asked to follow up on the</p>                                                                                               | <p style="text-align: right;">Page 263</p> <p>1 Doe 4 and I, we worked a total of 81 hours overtime</p> <p>2 last pay period to meet the deadline. At this</p> <p>3 point, there are ten months fully approved and the</p> <p>4 remain two months are to be completed, but need to</p> <p>5 be uploaded and then approved.</p> <p>6 Jane Doe 4 and Jane Doe 3 were exempt</p> <p>7 employees, correct?</p> <p>8 A. Yes.</p> <p>9 Q. So 81 hours of overtime they were not</p> <p>10 paid for, correct?</p> <p>11 A. That's correct.</p> <p>12 Q. If we look to the first paragraph, it</p> <p>13 says, she had informed you, and I think in your</p> <p>14 e-mail it says the same, January was completed and</p> <p>15 uploaded. And February, March, and April STEBs</p> <p>16 were almost complete.</p> <p>17 So there was only one month that had</p> <p>18 been completed in January, correct? I mean in</p> <p>19 February when you met?</p> <p>20 A. Yes.</p> <p>21 Q. It was -- the only month was January</p> <p>22 that was complete, correct?</p> <p>23 A. Yes.</p> <p>24 Q. And then looking back at that third</p> |

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| <p>Page 264</p> <p>1 paragraph, ten months were fully approved. So</p> <p>2 nine additional months had been completed and</p> <p>3 fully improved, with two completed and needing</p> <p>4 upload, correct?</p> <p>5 A. So she indicated January was completed,</p> <p>6 yes. February, March sales were almost complete.</p> <p>7 So basically 11 months were still outstanding.</p> <p>8 Q. In Jan -- in February when you met?</p> <p>9 A. Yes.</p> <p>10 Q. Right.</p> <p>11 And then by 13 days later, all that was</p> <p>12 needed to be done was completing and uploading --</p> <p>13 completing -- I'm sorry. Uploading and approving</p> <p>14 two months?</p> <p>15 A. Correct.</p> <p>16 Q. So everything was pretty much done 13</p> <p>17 days later; would you agree?</p> <p>18 A. The vast majority of what needed to be</p> <p>19 done, yes.</p> <p>20 Q. Okay.</p> <p>21 Is this Jane Doe 3 not -- and Jane Doe 4</p> <p>22 not completing their job duties?</p> <p>23 A. Well, they were completing the job</p> <p>24 duties that were assigned to Jane Doe 1. And so</p> | <p>Page 266</p> <p>1 Q. Okay.</p> <p>2 They're quite -- there's quite a few of</p> <p>3 them, correct, between the two offices?</p> <p>4 MS. PIPAK: I'll object to the</p> <p>5 form.</p> <p>6 Go ahead.</p> <p>7 THE WITNESS: Yes.</p> <p>8 BY MS. SMITH:</p> <p>9 Q. So you're saying that because -- I'm</p> <p>10 sorry. If we look to your memo, your issue was</p> <p>11 that Jane Doe 1 -- I'm sorry -- that Jane Doe 3</p> <p>12 wasn't ensuring that the STEB reports were done,</p> <p>13 correct?</p> <p>14 A. Yes. That they weren't being done on a</p> <p>15 timely basis, yes.</p> <p>16 Q. Jane Doe 3 now spends, along with Jane</p> <p>17 Doe 4, a combined 81 hours of overtime to get them</p> <p>18 complete and you have issue with that?</p> <p>19 MS. PIPAK: Object to the form.</p> <p>20 Go ahead.</p> <p>21 THE WITNESS: My issue was the fact</p> <p>22 that they were not being submitted on a timely</p> <p>23 basis, as they were supposed to be on a monthly</p> <p>24 basis.</p>                                                                                                                             |
| <p>Page 265</p> <p>1 from that perspective, they didn't oversee or</p> <p>2 provide appropriate supervision to Jane Doe 1 to</p> <p>3 get her job duty completed.</p> <p>4 Q. So you're saying because they didn't</p> <p>5 delegate it to Jane Doe 1, that was the issue?</p> <p>6 A. Well --</p> <p>7 MS. PIPAK: Objection to the form.</p> <p>8 Go ahead.</p> <p>9 THE WITNESS: That was part of the</p> <p>10 issue, yes.</p> <p>11 BY MS. SMITH:</p> <p>12 Q. What's the other part of the issue?</p> <p>13 A. That the STEB reports were severely</p> <p>14 delinquent, as they're supposed to be submitted on</p> <p>15 a monthly basis.</p> <p>16 Q. Are you aware of all the other job</p> <p>17 duties that are required for the operation of the</p> <p>18 tax assessment office?</p> <p>19 A. Yes. I'm aware that there is other job</p> <p>20 duties, other than the STEB report.</p> <p>21 Q. Okay.</p> <p>22 Are you aware of all the job duties of</p> <p>23 the tax claim bureau?</p> <p>24 A. Yes.</p>                                                                      | <p>Page 267</p> <p>1 BY MS. SMITH:</p> <p>2 Q. Okay.</p> <p>3 But you said that there was an issue</p> <p>4 with the fact that Jane Doe 1 was the -- wasn't</p> <p>5 the one who completed them, correct?</p> <p>6 A. Well, the -- yes. Combined with the</p> <p>7 fact that Jane Doe 1 should have been doing it,</p> <p>8 because I think in my e-mail I said, you know, it</p> <p>9 generates the question, what is Jane Doe 1</p> <p>10 actually doing during her workday when her primary</p> <p>11 focus is the completion of the STEB reports.</p> <p>12 Q. Well, wouldn't that be an address to</p> <p>13 with Jane Doe 1 if --</p> <p>14 A. Jane Doe 3 and Jane Doe 4 were the</p> <p>15 supervisors of Jane Doe 1, so if they were</p> <p>16 permitting her -- the question begs itself, what</p> <p>17 were they allowing -- was she being paid to do.</p> <p>18 If she wasn't doing the STEB reports, quite</p> <p>19 honestly, why would we even need the position</p> <p>20 then.</p> <p>21 Q. Did you look at her pay stubs or her</p> <p>22 time sheets?</p> <p>23 A. Yes.</p> <p>24 Q. Was she -- how many hours was she</p> |

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| <p>Page 268</p> <p>1 actually working?</p> <p>2 A. I -- I don't recall, but she was being</p> <p>3 paid during that time period.</p> <p>4 Q. But you don't know how many hours she</p> <p>5 was paid for during that time period?</p> <p>6 A. I don't know without looking.</p> <p>7 Q. When you are saying time period, what</p> <p>8 time period are you referring to?</p> <p>9 A. So during the time period in which she</p> <p>10 was going -- supposed to be submitting the 2020</p> <p>11 reports. She was claiming time worked during</p> <p>12 2020, as well as January of 2020 and February</p> <p>13 of -- excuse me -- January 2021 and February 2021.</p> <p>14 Q. So other than the time reports for</p> <p>15 January of 2021 and February of 2021, you didn't</p> <p>16 look at her time sheets?</p> <p>17 A. Not prior to that, no. No, not prior to</p> <p>18 my start at the -- at the county.</p> <p>19 Q. Let me just make sure my question and</p> <p>20 your answer is clear so the record is clear.</p> <p>21 When you decided that there was concerns</p> <p>22 regarding what Jane Doe 1 was doing because she</p> <p>23 was submitting time reports, the only time reports</p> <p>24 you looked at were January 2021 and February of</p> | <p>Page 270</p> <p>1 That's argumentative.</p> <p>2 BY MS. SMITH:</p> <p>3 Q. That's Defendant Gary Bender, correct?</p> <p>4 MS. PIPAK: You don't have to</p> <p>5 answer that.</p> <p>6 That's argumentative.</p> <p>7 MS. SMITH: Are you serious? If</p> <p>8 I'm argumentative, then you're argumentative right</p> <p>9 now. Answer a simple question.</p> <p>10 MS. PIPAK: I'm not asking her the</p> <p>11 questions and that question is argumentative.</p> <p>12 MS. SMITH: It's not, Counsel.</p> <p>13 BY MS. SMITH:</p> <p>14 Q. Was Gary Bender your supervisor?</p> <p>15 A. Yes.</p> <p>16 Q. Was he the one who instructed you to --</p> <p>17 to look into the STEB issue?</p> <p>18 A. Yes.</p> <p>19 Q. Okay.</p> <p>20 Did you tell Mr. Bender it wasn't part</p> <p>21 of your job description?</p> <p>22 A. No, I did not.</p> <p>23 Q. Why not?</p> <p>24 A. He asked me to look at an organization</p>        |
| <p>Page 269</p> <p>1 2021, correct?</p> <p>2 A. Yes. And it was discussed also with Mr.</p> <p>3 Bender that they were continually to be paid</p> <p>4 during that time frame and they weren't submitting</p> <p>5 any work, Jane Doe 1.</p> <p>6 Q. Okay. All right.</p> <p>7 So let's go back to your job</p> <p>8 description. I apologize I don't remember what</p> <p>9 the number is.</p> <p>10 MS. SMITH: 94, going to be Zula 49</p> <p>11 to 52.</p> <p>12 BY MS. SMITH:</p> <p>13 Q. Ms. Zula, please tell me where in that</p> <p>14 job description it states that the STEB reports or</p> <p>15 the daily operations of the tax assessment office</p> <p>16 are in your job purview?</p> <p>17 A. They aren't.</p> <p>18 Q. Why then were you looking into this</p> <p>19 issue?</p> <p>20 A. Because I was asked to do so by my</p> <p>21 supervisor.</p> <p>22 Q. That is Defendant Gary Bender, correct?</p> <p>23 MS. PIPAK: Objection to the form.</p> <p>24 You don't have to answer that.</p>                                                                                                                                                                                                                                                  | <p>Page 271</p> <p>1 and that's what I did.</p> <p>2 Q. But you -- it wasn't part of your job</p> <p>3 description?</p> <p>4 A. So it was a directive given to me by my</p> <p>5 supervisor, and so I followed the directive.</p> <p>6 Q. Because it would be uncomfortable to</p> <p>7 tell your supervisor that you didn't want to do</p> <p>8 something they wanted you to do, correct?</p> <p>9 A. No, not necessary.</p> <p>10 Q. Okay.</p> <p>11 Did you feel that you were qualified to</p> <p>12 look into this issue?</p> <p>13 A. I did, yes.</p> <p>14 MS. SMITH: Looking at Zula 390,</p> <p>15 120 is the Exhibit.</p> <p>16 - - -</p> <p>17 (Zula 390 marked as Exhibit-120 for</p> <p>18 identification.)</p> <p>19 - - -</p> <p>20 BY MS. SMITH:</p> <p>21 Q. Ms. Zula. do you recognize this e-mail?</p> <p>22 A. Yes.</p> <p>23 Q. What draft plan were you working on in</p> <p>24 Jan -- on January 29, 2021?</p> |

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| <p>Page 272</p> <p>1 MS. PIPAK: Go ahead.</p> <p>2 THE WITNESS: So the draft plan was</p> <p>3 we were discussing what was going to happen with</p> <p>4 the tax assessment office. As I indicated, there</p> <p>5 was discussion about bringing in a consultant to</p> <p>6 get the operations of the office kind of back on</p> <p>7 track.</p> <p>8 BY MS. SMITH:</p> <p>9 Q. Was a consultant ever brought in?</p> <p>10 A. Yes.</p> <p>11 Q. Is that Joan R. Price?</p> <p>12 A. No. The consultant for the tax</p> <p>13 assessment office was Tony Alu.</p> <p>14 Q. Okay.</p> <p>15 So you're talking about a consultant</p> <p>16 after Jane Doe 3's demotion?</p> <p>17 A. Yes. But the discussions with Mr. Alu</p> <p>18 happened much prior to that.</p> <p>19 Q. The discussions with Mr. Alu or about</p> <p>20 Mr. Alu?</p> <p>21 A. Both. We met with Mr. Alu, kind of jut</p> <p>22 like an interview in, I believe it was, my first</p> <p>23 or second week of employment with the county. And</p> <p>24 then there were some discussions as to, you know,</p> | <p>Page 274</p> <p>1 employment with the county, Mr. Alu did not hold a</p> <p>2 valid CPE license?</p> <p>3 A. No, I'm not the aware of that. I</p> <p>4 believe he did.</p> <p>5 Q. Would it change your opinion as to -- as</p> <p>6 to his ability to consult on assessment issues if</p> <p>7 he did not hold a CPE license?</p> <p>8 A. No.</p> <p>9 Q. How can someone who doesn't hold a</p> <p>10 license for the chief position of the department</p> <p>11 advise?</p> <p>12 A. He had numerous years of experience</p> <p>13 through Luzerne County, I believe it was. He was</p> <p>14 their chief assessor for a number of years and so</p> <p>15 he had a lot of expertise in county tax</p> <p>16 assessment.</p> <p>17 Q. Do you know when he retired from or left</p> <p>18 Luzerne?</p> <p>19 A. No, I do not.</p> <p>20 Q. Do you -- are you aware of any issues</p> <p>21 that the Luzern County assessor's office had while</p> <p>22 he was employed there?</p> <p>23 A. No, I do not.</p> <p>24 Q. And are you aware as to if his -- maybe</p>        |
| <p>Page 273</p> <p>1 what plan we wanted to put in place moving</p> <p>2 forward.</p> <p>3 Q. And you met with Mr. Alu to discuss the</p> <p>4 operations of the tax assessment office, correct?</p> <p>5 A. I was part of the meeting, I attended</p> <p>6 the meeting, I did not run the meeting.</p> <p>7 Q. Okay.</p> <p>8 But the meeting with Mr. Alu was</p> <p>9 involving discussions about the operations of the</p> <p>10 tax assessment office, correct?</p> <p>11 A. Yes.</p> <p>12 Q. Do you know what, if any information,</p> <p>13 Mr. Alu reviewed in that meeting or prior to that</p> <p>14 meeting to give opinions or come to conclusions?</p> <p>15 A. No, I do not.</p> <p>16 Q. The department head of the tax</p> <p>17 assessment office is called a chief assessor,</p> <p>18 correct?</p> <p>19 A. Yes.</p> <p>20 Q. And by statute, a chief assessor is to</p> <p>21 hold a certified Pennsylvania Evaluators License,</p> <p>22 correct?</p> <p>23 A. Yes.</p> <p>24 Q. Are you aware that prior to his</p>                                         | <p>Page 275</p> <p>1 previously-held CPE license was no longer valid?</p> <p>2 A. No.</p> <p>3 Q. Do you know any changes to the CPE</p> <p>4 licensing requirements or compliance that had</p> <p>5 changed during any lapse of his license?</p> <p>6 A. No.</p> <p>7 Q. So who -- so was there a draft plan ever</p> <p>8 put into writing?</p> <p>9 A. Not to my knowledge, no.</p> <p>10 Q. Okay.</p> <p>11 It was just something discussed?</p> <p>12 A. Yes. There were discussions that were</p> <p>13 held regarding the operations of the tax</p> <p>14 assessment office.</p> <p>15 Q. So why in this e-mail is the request to</p> <p>16 you, what do you need from me to draft the plan,</p> <p>17 correct? I don't -- I mean, it's not really</p> <p>18 grammatically correct. But what did you take that</p> <p>19 sentence to mean?</p> <p>20 A. That our discussions regarding the</p> <p>21 office, like, if he -- we needed any additional</p> <p>22 information from Mr. Heinbach.</p> <p>23 Q. Okay.</p> <p>24 Did you need any additional information</p> |



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| <p>Page 276</p> <p>1 from him?</p> <p>2 A. Not that I recall.</p> <p>3 Q. So Mr. Alu, yourself were in this</p> <p>4 meeting about this draft plan. Who else is there?</p> <p>5 A. Mr. Bender, Ms. Kutzler, and Mr. Roth.</p> <p>6 Q. Other than Mr. Alu, who talked?</p> <p>7 A. I believe Mr. Bender talked and Mr. Roth</p> <p>8 potentially. Mr. Roth, I think they kind of led</p> <p>9 the meeting regarding kind of the operations of</p> <p>10 the office --</p> <p>11 MS. IPPOLITO: I'm going to object</p> <p>12 --</p> <p>13 MS. PIPAK: Can we take a break. I</p> <p>14 don't know -- I just want to check if I need to</p> <p>15 call that back. I don't know why it was -- I</p> <p>16 understand -- I just need to understand what that</p> <p>17 document is.</p> <p>18 MS. SMITH: I mean, it's been</p> <p>19 produced at this point.</p> <p>20 MS. PIPAK: I understand. There's</p> <p>21 also -- I just -- I just need to check. I just</p> <p>22 need to check into it.</p> <p>23 MS. SMITH: We can take a minute.</p> <p>24 VIDEOGRAPHER: The time is now</p>                                                                                | <p>Page 278</p> <p>1 p.m. and we're back on the record.</p> <p>2 BY MS. SMITH:</p> <p>3 Q. All right.</p> <p>4 Ms. Zula, you were talking about a</p> <p>5 meeting in which Tony Alu was brought in to</p> <p>6 discuss -- I guess, why don't you tell me, what</p> <p>7 exactly was he discussing or rising on?</p> <p>8 A. So the initial meeting I was part of was</p> <p>9 we were speaking to him about his credentials,</p> <p>10 kind of outlining what ideally we were looking for</p> <p>11 as far as recommendations regarding the operations</p> <p>12 of the tax assessment office.</p> <p>13 And then following that meeting was</p> <p>14 further discussion that I was not part of as far as,</p> <p>15 you know, what those recommendations would be.</p> <p>16 Q. Okay.</p> <p>17 A. So the initial meeting was basically</p> <p>18 introduction with him. Getting his credentials,</p> <p>19 and determining a plan to move forward.</p> <p>20 Q. Were any documents used, reviewed.</p> <p>21 presented?</p> <p>22 A. I believe the only document would have</p> <p>23 been his resume.</p> <p>24 Q. Okay.</p>                                                                                                        |
| <p>Page 277</p> <p>1 3:07 p.m. and we're going off the record.</p> <p>2 - - -</p> <p>3 (Whereupon, brief recess was held after</p> <p>4 the record.)</p> <p>5 - - -</p> <p>6 MS. PIPAK: This is the first time</p> <p>7 I have seen this document. This is the first time</p> <p>8 I've known that this document has been produced.</p> <p>9 I am not sure if it's attorney-client privilege.</p> <p>10 I don't know that it is to the effect that I don't</p> <p>11 know if there's legal advice given or received.</p> <p>12 For the limited purposes of today,</p> <p>13 I just want to put on the record, she's allowed</p> <p>14 to -- we are allowing her to answer some questions</p> <p>15 about it. To the extent there's conversations</p> <p>16 with counsel, including Heinbach and Glenn Roth</p> <p>17 about legal advice back and forth, I would ask</p> <p>18 that she does not answer those questions.</p> <p>19 MS. SMITH: Okay. I think I</p> <p>20 understand, but I guess we'll take it question by</p> <p>21 question.</p> <p>22 MS. PIPAK: And I'll try to work</p> <p>23 with everybody.</p> <p>24 VIDEOGRAPHER: The time is now 3:34</p> | <p>Page 279</p> <p>1 And during this meeting, did Mr. Alu</p> <p>2 give you advice, not you specifically, but the</p> <p>3 individuals in the meeting, advice on a plan or</p> <p>4 how to move forward or the operations of the tax</p> <p>5 assessment office?</p> <p>6 A. Not at that point. I think it was more</p> <p>7 the scope of the work that was discussed as to</p> <p>8 what we would be looking for, the county would be</p> <p>9 looking for him to do.</p> <p>10 Q. Okay.</p> <p>11 And then there was another meeting</p> <p>12 you -- that was held that you were not a part of?</p> <p>13 A. I believe there were further discussions</p> <p>14 with Mr. Alu. I don't know if they were formal</p> <p>15 meetings or just discussions. But I do not recall</p> <p>16 being part of those.</p> <p>17 Q. Do you know if Mr. Alu -- strike that.</p> <p>18 At some point, Mr. Alu get hired as a</p> <p>19 contract per diem, I don't know what the exact</p> <p>20 term is. What was he hired as?</p> <p>21 A. He was hired as a consultant contractor.</p> <p>22 So he wasn't an employee. He was like a</p> <p>23 contractor that we had a separate agreement with,</p> <p>24 like, for his terms and conditions.</p> |



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| <p style="text-align: right;">Page 280</p> <p>1 Q. So contractor consultant is what Ms.<br/>2 Kutzler was, correct?<br/>3 A. Yes.<br/>4 Q. And well, I guess what, Hubert Resources<br/>5 was who sent Ms. Kutzler, correct?<br/>6 A. Yes.<br/>7 Q. Probably be the correct terminology.<br/>8 They contract consultants do not have<br/>9 PARs, correct?<br/>10 A. That's correct.<br/>11 Q. They have contracts, right?<br/>12 A. Yes.<br/>13 Q. Okay.<br/>14 So are you aware of a contract that<br/>15 exists for Mr. Alu's consultation for the county?<br/>16 A. Yes. There was a contract prepared.<br/>17 Q. And that wasn't until, as I understand<br/>18 it, April of 2021, correct?<br/>19 A. I don't know the exact date.<br/>20 Q. Okay.<br/>21 It was after Jane Doe 3 and Jane Doe 4's<br/>22 demotion was voted on, correct?<br/>23 A. Yes, it was after that time frame.<br/>24 Q. And then there was time period after</p>                                                                                                            | <p style="text-align: right;">Page 282</p> <p>1 A. That's correct.<br/>2 Q. Was one ever discussed?<br/>3 A. Yes. A plan was discussed on how to<br/>4 move the offices forward.<br/>5 Q. Was Mr. Alu involved in that?<br/>6 A. No, I don't believe he was involved in<br/>7 the actual discussions, he was part of the plan<br/>8 though.<br/>9 Q. Okay.<br/>10 Meaning that he would become a<br/>11 contractor once Jane Doe 3 was no longer the chief<br/>12 assessor or what was his part?<br/>13 A. Yes. That his -- his part of the plan<br/>14 was to come in and review the operation of the<br/>15 office and then make recommendations on how to<br/>16 move it forward.<br/>17 Q. Okay.<br/>18 Who was involved in the drafting of that<br/>19 plan?<br/>20 MS. PIPAK: Objection.<br/>21 You can answer.<br/>22 THE WITNESS: The plan -- like, if<br/>23 we're going to call it a plan, it was more or less<br/>24 discussions that were held between myself, Glenn</p>                                                                                                                                                                             |
| <p style="text-align: right;">Page 281</p> <p>1 their demotion that the office was without a chief<br/>2 assessor, correct?<br/>3 A. I believe so, yes.<br/>4 Q. Okay you know if between the meeting<br/>5 that you were involved in, which I think correct<br/>6 me if I'm wrong, you testified was one of your<br/>7 first few weeks in your employment?<br/>8 A. Yes, that is correct.<br/>9 Q. So January 2021, would that be fair to<br/>10 say?<br/>11 A. Yes.<br/>12 Q. And then Mr. Alu's contract -- are you<br/>13 aware of any advice by Mr. Alu or suggestions or<br/>14 recommendations by Mr. Alu to the county,<br/>15 regarding the operations of the tax assessment<br/>16 office?<br/>17 A. No. Not that I can recall, no. I don't<br/>18 believe we had anything come in directly from him<br/>19 prior to his hire as a consultant.<br/>20 Q. Okay.<br/>21 So was a plan ever -- you said that a<br/>22 plan was never formally written down regarding the<br/>23 tax assessment and tax claim bureau; is that<br/>24 correct?</p> | <p style="text-align: right;">Page 283</p> <p>1 Roth, Gary Bender, and Doreen Kutzler as to kind<br/>2 of how we were going to move forward.<br/>3 BY MS. SMITH:<br/>4 Q. Are you aware that the county had a<br/>5 consultation agreement contract with a Joan R.<br/>6 Price, Esquire?<br/>7 A. I'm familiar with the name, yes.<br/>8 Q. Did you ever receive any information,<br/>9 review any information regarding what assistance<br/>10 she gave to the tax assessment office?<br/>11 A. No. The only communication I had with<br/>12 her related to the STEB reports and the submission<br/>13 of the STEB reports and understanding that<br/>14 process. And how to determine, you know, what<br/>15 reports have been submitted, that was kind of the<br/>16 only interaction that I had with her.<br/>17 Q. So she was still a consultant contractor<br/>18 when you started?<br/>19 A. Yes. To my knowledge, yes.<br/>20 Q. Okay.<br/>21 And just so I understand, you were just<br/>22 talking about a conversation you had with her. It<br/>23 seems like it was more informational, just<br/>24 about -- learning about STEB reports, not --</p> |

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| <p style="text-align: right;">Page 284</p> <p>1 A. Yeah.</p> <p>2 Q. -- legal advice?</p> <p>3 A. No.</p> <p>4 Q. It was just to get you up to speed on</p> <p>5 what the assessment office did regarding STEB</p> <p>6 reports?</p> <p>7 A. That, and as well as trying to determine</p> <p>8 what STEB reports had been submitted.</p> <p>9 Q. How to use the systems?</p> <p>10 A. No, not necessarily how use the systems.</p> <p>11 Who to contact at the state --</p> <p>12 Q. Okay.</p> <p>13 A. -- to determine what has been done and</p> <p>14 what hasn't been done.</p> <p>15 Q. Okay.</p> <p>16 Prior to February 5, 2021, did you</p> <p>17 contact the state?</p> <p>18 A. I don't recall -- I did contact the</p> <p>19 state. I think it was after February 5th, though.</p> <p>20 Q. Okay.</p> <p>21 Being that there was already a</p> <p>22 contractor consultant for the assessment office,</p> <p>23 do you know why it was determined or thought that</p> <p>24 another contractor consultant would be any</p>                                | <p style="text-align: right;">Page 286</p> <p>1 Q. How often or how many times? Let's</p> <p>2 start with that.</p> <p>3 A. I -- I don't recall how many times.</p> <p>4 I -- don't -- I don't --</p> <p>5 Q. Was it more than ten in that less than a</p> <p>6 month period?</p> <p>7 A. Oh, in that month period of time?</p> <p>8 Q. Yeah.</p> <p>9 A. I don't know if I seen him enter the</p> <p>10 assessment office during that month period of</p> <p>11 time, no.</p> <p>12 Q. Was -- in this -- I'm just using</p> <p>13 Mr. Heinbach's words, this draft plan to -- for</p> <p>14 the tax offices, was there any discussion about</p> <p>15 hiring a second real estate market analyst?</p> <p>16 A. No.</p> <p>17 Q. Was there any discussion about moving</p> <p>18 Jane Doe 1 back to -- Jane Doe 1 back to the</p> <p>19 courthouse or asking her simply if she would move</p> <p>20 back to the courthouse?</p> <p>21 A. Not part of the -- the plan, no.</p> <p>22 Q. Was there any discussion about maybe</p> <p>23 reassigning STEB duties to Jane Doe 4?</p> <p>24 A. No.</p>                                                                                                                                                                                                |
| <p style="text-align: right;">Page 285</p> <p>1 different?</p> <p>2 A. No, because I wasn't -- I'm not sure</p> <p>3 what Ms. Price's role was. I don't know.</p> <p>4 Q. In the month or so period between</p> <p>5 January 11th and February 5th, did you ever</p> <p>6 observe Ms. Price enter the assessment office?</p> <p>7 A. I don't know who she is, so no. I don't</p> <p>8 know who she is.</p> <p>9 Q. I thought you said you spoke with her?</p> <p>10 A. I did speak with her on the phone.</p> <p>11 Q. Oh, okay.</p> <p>12 You mean you don't know what she looks</p> <p>13 like?</p> <p>14 A. I don't -- yeah, I don't know -- yeah, I</p> <p>15 don't know, like --</p> <p>16 Q. Okay.</p> <p>17 A. -- who she is to see. Like, I have no</p> <p>18 idea if she entered the office or she didn't</p> <p>19 because I've never seen her before.</p> <p>20 Q. Okay.</p> <p>21 During your employment from January 11th</p> <p>22 to February 5th, did you ever observe Defendant</p> <p>23 Bender enter the assessment office?</p> <p>24 A. Yes.</p> | <p style="text-align: right;">Page 287</p> <p>1 Q. Was there any talk about asking Jane Doe</p> <p>2 3 or Jane Doe 4 if there was somebody else who</p> <p>3 could complete the STEB duties?</p> <p>4 A. No.</p> <p>5 Q. Was there any talk about -- well,</p> <p>6 actually let's look at real quick, I think it was,</p> <p>7 90 something, your job description.</p> <p>8 Looking at the first Page 49, No. 2</p> <p>9 says: Perform job analysis and prepare changes to</p> <p>10 classification of descriptions. That would be --</p> <p>11 mean that you would prepare changes to that job</p> <p>12 description form that -- this form that we're</p> <p>13 looking at, correct, for other positions within</p> <p>14 the county?</p> <p>15 A. So typically the supervisor drafts the</p> <p>16 job descriptions and then they would present them</p> <p>17 to the HR office for review and then we would</p> <p>18 ensure that those job duties would be</p> <p>19 appropriately assigned to that classification of</p> <p>20 position, position classification based upon kind</p> <p>21 of the salary plan that's been outlined, so in the</p> <p>22 contract, like the different collective bargaining</p> <p>23 agreements.</p> <p>24 Q. So was there any conversation with Jane</p> |

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| <p style="text-align: right;">Page 288</p> <p>1 Doe 3 and/or Jane Doe 4 to ask them, hey, let's</p> <p>2 look over the assessment office and let's discuss</p> <p>3 if maybe some of these job classifications within</p> <p>4 your office might need to be changed around?</p> <p>5 A. The only conversation was in reference</p> <p>6 to the field appraiser position and the use of the</p> <p>7 interim field appraiser positions, that was the</p> <p>8 only conversation.</p> <p>9 Q. Okay.</p> <p>10 A. About positions within that office.</p> <p>11 Q. Was there any thought, hey, if Jane Doe</p> <p>12 3 -- Jane Doe 3 and Jane Doe 4 can get STEB done</p> <p>13 in 13 days, maybe we just put the job duty on them</p> <p>14 and get rid of the real estate market analyst?</p> <p>15 A. There was some thought about that, yes.</p> <p>16 Q. Okay.</p> <p>17 Why was it chosen instead to demote Jane</p> <p>18 Doe 3?</p> <p>19 A. It wasn't necessarily chosen to demote</p> <p>20 Jane Doe 3. It was the overall operation of the</p> <p>21 office and the separation of the office between</p> <p>22 the tax assessment and the tax claim offices that</p> <p>23 ultimately resulted in Jane Doe 3 demotion. We</p> <p>24 did not go down the line of eliminating Jane Doe</p> | <p style="text-align: right;">Page 290</p> <p>1 decision.</p> <p>2 So based upon my information, plus</p> <p>3 whatever other information was available to others</p> <p>4 in the county who had the authority to make those</p> <p>5 decisions, it was decided that the offices would be</p> <p>6 separated. And they were separated and as a result</p> <p>7 of that, that resulted in the elimination of the</p> <p>8 deputy chief assessor/director of tax claim position</p> <p>9 and the -- or I'm sorry -- the chief assessor and</p> <p>10 the -- the tax claim director position and the</p> <p>11 combined position of the deputy chief assessor</p> <p>12 assistant tax claim director.</p> <p>13 Q. So you're saying you are essentially a</p> <p>14 piece of the puzzle, the STEB reports was part of</p> <p>15 a larger decision, correct?</p> <p>16 A. Yes.</p> <p>17 Q. Were you involved in that larger</p> <p>18 decision?</p> <p>19 A. I made the recommendation based upon the</p> <p>20 report I provided to my supervisor, Mr. Bender.</p> <p>21 And then from there, he ultimately directed me to</p> <p>22 put the PARs through to separate the offices.</p> <p>23 Q. So in between those two things, the</p> <p>24 submission of your memo and the PAR, were you</p> |
| <p style="text-align: right;">Page 289</p> <p>1 1's position as the real estate market analyst.</p> <p>2 Q. Why?</p> <p>3 A. Based upon some of discussion, was based</p> <p>4 upon, you know, that our -- we didn't believe that</p> <p>5 it would be appropriate given some of the claims</p> <p>6 that she made to eliminate her position.</p> <p>7 Q. You just testified that based on the</p> <p>8 overall operation of the offices --</p> <p>9 MS. SMITH: Actually, can have it</p> <p>10 read, her -- before my last question, her answer.</p> <p>11 - - -</p> <p>12 (Whereupon, court reporter read back last</p> <p>13 answer.)</p> <p>14 - - -</p> <p>15 BY MS. SMITH:</p> <p>16 Q. Sp your testimony there was that it was</p> <p>17 the overall operations of the tax claim and tax</p> <p>18 assessment offices?</p> <p>19 A. The ultimate -- the results of changing</p> <p>20 the positions of Jane Doe 3 and Jane Doe 4 were a</p> <p>21 result of the separation of the offices. My</p> <p>22 recommendation was based upon the completion of</p> <p>23 the STEB reports. However, that was just my</p> <p>24 recommendation. I didn't make the ultimate</p>                                                                                                                    | <p style="text-align: right;">Page 291</p> <p>1 involved at all, discussions or anything like</p> <p>2 that?</p> <p>3 A. I mean, we had discussions about my</p> <p>4 memo, about the completion of the STEB reports.</p> <p>5 There was discussion, as I said, about the plan of</p> <p>6 bringing Mr. Alu on board to evaluate the office.</p> <p>7 We did have discussions about Jane Doe 3's</p> <p>8 communication, I believe that was part of my memo,</p> <p>9 with her supervisor. And that's pretty much what</p> <p>10 I can recall as far as the discussions.</p> <p>11 Q. Okay.</p> <p>12 You were saying that you didn't go down</p> <p>13 the road of terminating Jane Doe 1's position</p> <p>14 because of the claim she had made.</p> <p>15 What claims are you referring to?</p> <p>16 A. The claims of the sexual harassment</p> <p>17 claim. And I think that is discussion that I had</p> <p>18 directly with our attorneys, so I don't believe</p> <p>19 it's appropriate for me to divulge that</p> <p>20 information.</p> <p>21 Q. Are you aware of any issues with the</p> <p>22 STEB reports being submitted timely, post Jane Doe</p> <p>23 3 and Jane Doe 4's demotion?</p> <p>24 A. Yes.</p>                                                                     |

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| <p style="text-align: right;">Page 292</p> <p>1 Q. They were -- Jane Doe 1 failed submit</p> <p>2 timely under Mr. Alu, correct?</p> <p>3 A. I don't know if it was under Mr. Alu,</p> <p>4 but definitely under Mr. Hatter, she did not</p> <p>5 submit them timely.</p> <p>6 Q. Mr. Hatter is still the chief assessor,</p> <p>7 correct?</p> <p>8 A. To my knowledge, yes, I believe he still</p> <p>9 is. He was when I was there.</p> <p>10 Q. Okay.</p> <p>11 A. So I don't know if something changed</p> <p>12 since then.</p> <p>13 Q. When you -- so for the record, you have</p> <p>14 ultimately since your employment, left the county,</p> <p>15 correct?</p> <p>16 A. That's correct.</p> <p>17 Q. That was in May of this year?</p> <p>18 A. My last day was June 3rd, I think it</p> <p>19 was --</p> <p>20 Q. Okay.</p> <p>21 A. -- of 2022.</p> <p>22 Q. And when you left, Mr. Hatter was still</p> <p>23 the chief assessor?</p> <p>24 A. Yes, correct.</p> | <p style="text-align: right;">Page 294</p> <p>1 chief assessor, correct?</p> <p>2 A. Yes.</p> <p>3 Q. And during that time, Jane Doe 1 failed</p> <p>4 to submit timely STEB reports, correct?</p> <p>5 A. Yes.</p> <p>6 Q. In fact, Mr. Hatter has written her up,</p> <p>7 I think she was even suspended, correct?</p> <p>8 A. Yes.</p> <p>9 Q. Has Mr. Hatter been demoted?</p> <p>10 A. No, he has not.</p> <p>11 Q. Do you know why?</p> <p>12 A. No, I don't.</p> <p>13 Q. Did Mr. Bender ask you to look into the</p> <p>14 operations of the tax assessment issue under</p> <p>15 Mr. Hatter?</p> <p>16 A. No.</p> <p>17 Q. Has anyone, to your knowledge,</p> <p>18 questioned the operation of the tax assessment</p> <p>19 issues under Mr. Hatter --</p> <p>20 A. I'm sorry. Can you repeat that?</p> <p>21 Q. I think I said issues.</p> <p>22 A. Yes.</p> <p>23 Q. Has anyone -- has anyone, to your</p> <p>24 knowledge, questioned the operation of the tax</p> |
| <p style="text-align: right;">Page 293</p> <p>1 Q. Mr. Hatter was appointed the chief</p> <p>2 assessor in June-ish -- May of 2021?</p> <p>3 A. I don't know the exact date.</p> <p>4 Q. I have it.</p> <p>5 Does May 12, 2021, sound familiar?</p> <p>6 MS. SMITH: This one might have</p> <p>7 been marked at Roth's. I can't remember. I</p> <p>8 apologize if it was, but I'm going to mark SC633</p> <p>9 as 121.</p> <p>10 ---</p> <p>11 (SC633 marked as Exhibit-121 for</p> <p>12 identification.)</p> <p>13 ---</p> <p>14 BY MS. SMITH:</p> <p>15 Q. Okay.</p> <p>16 So this actually refreshes both of our</p> <p>17 recollection. It says this PAR is for Mr. Hatter,</p> <p>18 correct?</p> <p>19 A. That's correct.</p> <p>20 Q. And his effective date was May 24, 2021,</p> <p>21 correct?</p> <p>22 A. Yes.</p> <p>23 Q. So mr. Hatter was the chief assessor for</p> <p>24 at least a year, if not more, if he still is the</p>                                | <p style="text-align: right;">Page 295</p> <p>1 assessment office under Mr. Hatter?</p> <p>2 A. As far as his direction?</p> <p>3 Q. Correct.</p> <p>4 A. No.</p> <p>5 Q. So taking you back to early on in your</p> <p>6 employment, February of 2021. Shortly after you</p> <p>7 started, you received a physician's medical review</p> <p>8 form for Jane Doe 1 -- from Jane Doe 1's medical</p> <p>9 provider, correct?</p> <p>10 A. Yes.</p> <p>11 MS. SMITH: Okay. Mark it as 122.</p> <p>12 It's 26 -- Zula 268 through 270.</p> <p>13 ---</p> <p>14 (Zula 268-270 marked as Exhibit-122 for</p> <p>15 identification.)</p> <p>16 ---</p> <p>17 BY MS. SMITH:</p> <p>18 Q. Do you recognize this document?</p> <p>19 A. Yes.</p> <p>20 Q. The top of the document is some -- it</p> <p>21 looks like fax information. Is that fax</p> <p>22 information that was received by the county?</p> <p>23 A. I don't know exactly --</p> <p>24 Q. Okay.</p>                      |

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| <p>Page 296</p> <p>1 A. -- if that's from when it was received<br/>2 by the county or not. I don't know that.<br/>3 Q. Okay.<br/>4 Do you know if this -- so this document<br/>5 is dated, if we look to the back, it's 2/5 of<br/>6 2021. I -- I was assuming that that fax was from<br/>7 the county's fax information. But does around<br/>8 2/16/2021, sound about when you received this?<br/>9 A. Yes. Yes.<br/>10 Q. Okay.<br/>11 Is this, do you know, the first<br/>12 paperwork regarding Jane Doe 1's, what we'll call,<br/>13 reasonable accommodation request?<br/>14 A. Yes.<br/>15 Q. To work from home?<br/>16 A. To my knowledge.<br/>17 Q. That you received?<br/>18 A. Sorry.<br/>19 Q. It's okay.<br/>20 A. Yes, to my knowledge.<br/>21 Q. Okay.<br/>22 After you received this paperwork, what,<br/>23 if anything, did you do?<br/>24 A. I attempted to reach out to Jane Doe 1</p>                                                                                                                                                                                                                            | <p>Page 298</p> <p>1 A. Not specifically about this.<br/>2 Q. Did you ever speak with Jane Doe 3 -- so<br/>3 strike that.<br/>4 In February of 2021, Jane Doe 3 was<br/>5 still Jane Doe 1's supervisor, correct?<br/>6 A. Yes.<br/>7 Q. Did you ever speak with Jane Doe 3 to<br/>8 ask for her input regarding this reasonable<br/>9 accommodation request?<br/>10 A. I don't believe I spoke with her. I<br/>11 believe and I don't -- well, I should probably say<br/>12 I don't recall because I know I had some<br/>13 communication with Jane Doe 3 via e-mail, but I'm<br/>14 not certain whether it was regarding Jane Doe 1 or<br/>15 Jane Doe 2.<br/>16 Q. Okay.<br/>17 Was that e-mail communication, if you<br/>18 recall, communicated initiated by yourself or Jane<br/>19 Doe 3?<br/>20 A. It was initiated by her.<br/>21 Q. Jane Doe 3?<br/>22 A. Yes.<br/>23 Q. Okay.<br/>24 In February of 2021, what level of</p>                                                                                                                                                                                                                           |
| <p>Page 297</p> <p>1 to discuss the documentation, to go through, you<br/>2 know, the interactive process under the ADA. And<br/>3 I contacted her via phone. I believe it was via<br/>4 phone to set up a meeting with her. She<br/>5 indicated, yes, that would work great. And then<br/>6 we set up a time. And then subsequent to that, I<br/>7 received communication that I was not to<br/>8 communicate with her, I believe, from your office.<br/>9 Q. I didn't send you any e-mails, did I?<br/>10 A. I believe so, yes.<br/>11 Q. Okay.<br/>12 Did you then speak or do -- speak with<br/>13 anyone else or do anything else?<br/>14 A. Yes. I believe we did review -- I<br/>15 reviewed this documentation and then I did consult<br/>16 with our attorney regarding the documentation,<br/>17 specifically Mr. Heinbach. And then based upon<br/>18 the documentation received, we believe we have<br/>19 already provided a reasonable accommodation to<br/>20 Jane Doe 1 based upon her office being placed at<br/>21 the 410 Building.<br/>22 Q. Okay.<br/>23 So you never spoke with Jane Doe 1,<br/>24 correct?</p> | <p>Page 299</p> <p>1 understanding would say you had as to Jane Doe 1's<br/>2 job duties and responsibilities?<br/>3 A. My understanding was she did the<br/>4 completion of the STEB reports, which -- and then<br/>5 she also did, like, market analysis reviews, which<br/>6 did at times require her to go out into the field,<br/>7 was my understanding.<br/>8 Q. Well, sorry, maybe that was a bad<br/>9 question.<br/>10 I guess my -- my question is: Do you<br/>11 feel that in February of 2021, you had enough<br/>12 knowledge of Jane Doe 1's job duties to make a<br/>13 determination as to a -- her reasonable<br/>14 accommodation request to work from home?<br/>15 A. Well, the reasonable accommodation<br/>16 request indicated that she was to be working in a<br/>17 safe or separated area or working from home. So<br/>18 based upon her doctor's documentation, we met the<br/>19 reasonable accommodation to have her work in a<br/>20 safe or separated area.<br/>21 Q. Okay.<br/>22 So my question though is: Do you feel<br/>23 that in February of 2021, you had enough<br/>24 information and knowledge of Jane Doe 1's job</p> |



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| <p style="text-align: right;">Page 300</p> <p>1 duties to make a determination regarding a</p> <p>2 reasonable accommodation request by her, whatever</p> <p>3 the accommodation request was?</p> <p>4 A. Yes, based upon my consultation with our</p> <p>5 attorney.</p> <p>6 Q. And that would be Mr. Heinbach?</p> <p>7 A. Yes, Mr. Heinbach.</p> <p>8 Q. Do you know if Mr. Heinbach has any STEB</p> <p>9 knowledge, information?</p> <p>10 MS. PIPAK: I'll object to the</p> <p>11 extent you had any conversations with him about</p> <p>12 STEB knowledge.</p> <p>13 So if you can answer, other than</p> <p>14 conversations you had.</p> <p>15 THE WITNESS: I know that</p> <p>16 Mr. Heinbach works directly with counties pretty</p> <p>17 extensively. So I believe that, yes, he did have</p> <p>18 this necessary knowledge to advise me.</p> <p>19 BY MS. SMITH:</p> <p>20 Q. Did you ever provide Mr. Heinbach with</p> <p>21 Jane Doe 1's job description?</p> <p>22 MS. PIPAK: I'm going to object on</p> <p>23 the basis of attorney-client privilege to the</p> <p>24 extent you were seeking legal advice.</p>                                                                   | <p style="text-align: right;">Page 302</p> <p>1 and you can look it up.</p> <p>2 MS. PIPAK: All right. I'm not</p> <p>3 going to look this up.</p> <p>4 MS. SMITH: Okay. Then we'll call</p> <p>5 the judge.</p> <p>6 MS. PIPAK: She's not -- okay. You</p> <p>7 can call the judge on that question. You are</p> <p>8 asking what legal advice she sought from her</p> <p>9 counsel. That's covered by privilege.</p> <p>10 MS. SMITH: I'm not asking her what</p> <p>11 legal advice she sought from her counsel. This is</p> <p>12 exactly what I'm not asking her. I am asking her</p> <p>13 if she gave him a document. It's a physical act.</p> <p>14 There's no words -- I am not asking what words</p> <p>15 were spoken. I am asking if she e-mailed, handed,</p> <p>16 sent in the mail, sent by carrier pigeon, a</p> <p>17 document, if he ever reviewed that document. I am</p> <p>18 not asking for the contents of conversation, what</p> <p>19 his advice was, what was rendered there from it,</p> <p>20 what decisions were made. All I'm asking is if</p> <p>21 she gave him a job description. Did she hand it</p> <p>22 to him, mail it to him?</p> <p>23 MS. PIPAK: And I'm telling you,</p> <p>24 she can't answer if she did -- took any action for</p> |
| <p style="text-align: right;">Page 301</p> <p>1 MS. SMITH: It's an action. What</p> <p>2 she did with a job description has nothing to do</p> <p>3 with the contents of a conversation.</p> <p>4 MS. PIPAK: If she was doing</p> <p>5 that -- and I'm -- and I'm advising her that if</p> <p>6 she was doing that for the purpose of seeking</p> <p>7 legal advice.</p> <p>8 MS. SMITH: Counsel, even if she's</p> <p>9 doing something for the purposes of seeking legal</p> <p>10 advice, it's the legal advice that is the</p> <p>11 privileged communication. Her --</p> <p>12 MS. PIPAK: Her asking for legal</p> <p>13 advice is.</p> <p>14 MS. SMITH: No, it's not. Asking</p> <p>15 for legal advice is not privileged. Getting the</p> <p>16 legal advice is priveledged.</p> <p>17 MS. PIPAK: I don't think that's</p> <p>18 correct.</p> <p>19 MS. SMITH: Look up -- then let's</p> <p>20 take a break and please look up what privilege is,</p> <p>21 because it's privileged communication. Her act of</p> <p>22 giving someone a document is not legal advice.</p> <p>23 It's the legal advice that is rendered therefrom</p> <p>24 that would be privileged. So I will take a break</p> | <p style="text-align: right;">Page 303</p> <p>1 the purpose of seeking legal advice.</p> <p>2 MS. SMITH: That's not accurate,</p> <p>3 Counsel. It's -- she -- what her actions were --</p> <p>4 just as if, if I ask the question as a result of</p> <p>5 Mr. Heinbach -- your conversations with</p> <p>6 Mr. Heinbach, what did you do, the act is separate</p> <p>7 and distinction from the conversations and the</p> <p>8 legal advice that is therein rendered are not</p> <p>9 privileged. It's the acts before and the acts</p> <p>10 after that do not constitute privilege.</p> <p>11 MS. PIPAK: You can ask that</p> <p>12 question. You can't ask --</p> <p>13 MS. SMITH: That's what I'm asking</p> <p>14 her.</p> <p>15 MS. PIPAK: That's not the question</p> <p>16 you asked. You can specifically ask her a</p> <p>17 question, what did she do.</p> <p>18 MS. SMITH: Counsel, think about</p> <p>19 what you're saying. Please think about what</p> <p>20 you're saying. If I asked you --</p> <p>21 MS. PIPAK: She's not answering</p> <p>22 that question. You can call the judge on it.</p> <p>23 BY MS. SMITH:</p> <p>24 Q. Ms. Zula, did you send -- did you put in</p>                                                                                 |

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| <p>Page 304</p> <p>1 the mail, e-mail, regular mail, a job description<br/>2 to Mr. Heinbach?</p> <p>3 MS. PIPAK: You can not answer that<br/>4 question.</p> <p>5 MS. SMITH: All right. let's call<br/>6 the judge.</p> <p>7 MS. PIPAK: Okay.</p> <p>8 MS. SMITH: We can go off the<br/>9 record.</p> <p>10 VIDEOGRAPHER: The time is now<br/>11 4:03 p.m. and we're going off the record.</p> <p>12 MR. GEIGER: Just put another spin<br/>13 on this, if Tom Heinbach asked for a job<br/>14 description with the idea that he needed that as<br/>15 part of the legal advice he was giving, then I<br/>16 think it does quality as privilege.</p> <p>17 MS. SMITH: That's not what the<br/>18 testimony is here. And I am not asking if Tom<br/>19 Heinbach asked for a job description. I'm asking<br/>20 if she sent one. It is purely her action. It's<br/>21 just as if -- it's the actions before and the<br/>22 actions after by individuals do not constitute the<br/>23 legal advice. It is the legal advice that is<br/>24 being rendered to an individual and --</p> | <p>Page 306</p> <p>1 deposition of one of the named defendants and it's<br/>2 come up a few times as to whether acts by an<br/>3 individual, such as sending a document or<br/>4 something of that nature before and/or after<br/>5 attorney client communications are privileged as<br/>6 well. So for instance, if we have a conversation,<br/>7 you asked me to send something, you're my<br/>8 attorney, and then I do the act of sending it to<br/>9 you, is a question regarding the act<br/>10 attorney-client privileged?</p> <p>11 MS. PIPAK: Your Honor, this is<br/>12 Maria Pipak. I represent Heidi Zula. She is the<br/>13 deponent today. I have to say I disagree with<br/>14 Ms. Smith's assessment or summary of the issue.<br/>15 The question posed dealt with my client asking --<br/>16 seeking legal advice from her attorney on an issue<br/>17 and she refused to provide any further<br/>18 information. And the follow-up question related<br/>19 to whether a specific document was sent to him for<br/>20 the attorney to provide --</p> <p>21 MS. SMITH: No. No. No. No, it<br/>22 was not.</p> <p>23 MS. PIPAK: -- the consultation.</p> <p>24 MS. SMITH: The question was</p>                                    |
| <p>Page 305</p> <p>1 MR. GEIGER: I mean, why is it<br/>2 relevant what Tom Heinbach reviewed in giving his<br/>3 advice?</p> <p>4 MS. SMITH: Because I am not --<br/>5 that's my work product as to how I think it's<br/>6 relevant. Whether you think it's relevant or not<br/>7 has nothing to do with this. This is my<br/>8 deposition and I get to ask my questions. It's<br/>9 not privileged.</p> <p>10 MS. PIPAK: You're asking -- your<br/>11 question was in the context of she reached out --<br/>12 she spoke to counsel on this issue and you asked<br/>13 --</p> <p>14 MS. SMITH: If she -- if she took<br/>15 an action.</p> <p>16 MS. PIPAK: -- what she -- what she<br/>17 provided to counsel for the purpose of that legal<br/>18 advice. That's subject to attorney-client<br/>19 privilege.</p> <p>20 - - -</p> <p>21 (Whereupon, brief recess was held off the<br/>22 record.)</p> <p>23 - - -</p> <p>24 MS. SMITH: Your Honor, we are in a</p>                                                                                                             | <p>Page 307</p> <p>1 simply, was this document provided to the<br/>2 attorney? I never asked as to the question of<br/>3 whether there was con -- attorney consultation<br/>4 given, whether legal advice was rendered. I, in<br/>5 fact, put on the record, I'm not asking what<br/>6 happened thereafter. I'm simply asking, did you<br/>7 e-mail this document or send this document or give<br/>8 this document to this attorney.</p> <p>9 MS. PIPAK: We do have a court<br/>10 reporter here, so we can read it back if either of<br/>11 us are wrong.</p> <p>12 THE COURT: Well, since there seems<br/>13 to be dispute as what the question was and you're<br/>14 asking me to try to mediate the outcome, I<br/>15 probably should have a clearer sense of what --<br/>16 what the exchange is and what the context of it<br/>17 was. So I'm gathering that there was some sort of<br/>18 a question about a conversation with counsel and a<br/>19 question regarding whether something was sent to<br/>20 counsel.</p> <p>21 MS. SMITH: Yes. And I can -- even<br/>22 if this question was one different than I'm<br/>23 saying, I will agree to limit it to, did you send<br/>24 this document in anyway -- or give this document</p> |

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| <p>Page 308</p> <p>1 to your attorney in any way, shape, or form.</p> <p>2 MS. PIPAK: And this is Maria</p> <p>3 Pipak. I advised that if -- that she should not</p> <p>4 answer the question to the extent she provided any</p> <p>5 document to counsel for the purpose of seeking</p> <p>6 legal advice.</p> <p>7 THE COURT: And you'll forgive me.</p> <p>8 The document itself, since you all seem to know</p> <p>9 what it is, what was it?</p> <p>10 MS. SMITH: It's a job description.</p> <p>11 THE COURT: Okay. Recognizing that</p> <p>12 I don't have the benefit of a full context of your</p> <p>13 conversation and deposition, but given what you've</p> <p>14 described to me, it would seem to me that the --</p> <p>15 the nature of the exchange back and forth between</p> <p>16 the deponent and her counsel could make a</p> <p>17 discussion regarding what she said to counsel,</p> <p>18 also broke by the privilege. So I would sustain</p> <p>19 an objection to that specific in particular.</p> <p>20 MS. SMITH: Well, Your Honor, I'm</p> <p>21 not asking about the conversation. I'm simply</p> <p>22 asking --</p> <p>23 THE COURT: Well, no. I -- I think</p> <p>24 I actually understood what you said. But -- and</p> | <p>Page 310</p> <p>1 MS. SMITH: Understood. No, I</p> <p>2 understand. I am just asking --</p> <p>3 THE COURT: If you let me finish,</p> <p>4 I'd appreciate it. Is that okay with you,</p> <p>5 Ms. Smith?</p> <p>6 MS. SMITH: Sure. I apologize,</p> <p>7 Your Honor.</p> <p>8 THE COURT: Okay. No, that's okay.</p> <p>9 That's okay.</p> <p>10 You called me up and you are giving</p> <p>11 my horseback sense of the law. I welcome briefing</p> <p>12 on this, so you should feel free to brief this</p> <p>13 issue. How much time would you need for a brief?</p> <p>14 MS. SMITH: Well, Your Honor, we</p> <p>15 have plenty time in discovery and I have motions</p> <p>16 for summary judgment due. I would just request 30</p> <p>17 days. We can always revisit this during --</p> <p>18 THE COURT: Okay. Do it. No, that</p> <p>19 would be fine. Do you want me to put an order on</p> <p>20 the docket or do you just want to just get</p> <p>21 something to me in 30 days?</p> <p>22 MS. SMITH: I think we can just get</p> <p>23 something to you in 30 days.</p> <p>24 THE COURT: All right. And that's</p>                                                |
| <p>Page 309</p> <p>1 let me repeat it back so that we're clear that I</p> <p>2 did, in fact, understand what you said.</p> <p>3 I understand that you were asking</p> <p>4 whether she sent the document?</p> <p>5 MS. SMITH: Yes. Took an action,</p> <p>6 no conversation held.</p> <p>7 THE COURT: Yes. Yes, but -- but I</p> <p>8 also was led to understand that that action that</p> <p>9 you were asking about, would have taken place in</p> <p>10 the context of communications that she was having</p> <p>11 with her counsel. And in that context, it seems</p> <p>12 to me that asking what one sent to counsel begins</p> <p>13 to tread into areas that may be covered by</p> <p>14 privilege and that's why I was sustaining the</p> <p>15 objection.</p> <p>16 MS. SMITH: Your Honor, would you</p> <p>17 allow us to brief this issue because there is</p> <p>18 substantial case law regarding this issue.</p> <p>19 THE COURT: All right. Sure. You</p> <p>20 can feel free to brief the issue.</p> <p>21 MS. SMITH: Okay.</p> <p>22 THE COURT: What happened is, as</p> <p>23 you may a recall from a few minutes ago, you</p> <p>24 called me up.</p>                                                                                 | <p>Page 311</p> <p>1 fine. And then I certainly look forward to being</p> <p>2 further informed on this issue and perhaps having</p> <p>3 some deeper factual context with which to consider</p> <p>4 it in a more thorough and proper way. But -- so</p> <p>5 please feel free to submit such a brief. If I</p> <p>6 receive such a brief from you, Ms. Smith, how much</p> <p>7 time would you want to respond to the brief on</p> <p>8 this issue?</p> <p>9 MS. PIPAK: Ten days is fine, Your</p> <p>10 Honor.</p> <p>11 THE COURT: Okay. Okay. So that</p> <p>12 is what we will do. And I'm pleased to just make</p> <p>13 some sort of brief docket notation that we can</p> <p>14 just put there on the docket so the folks have a</p> <p>15 timetable should it be end of the deposition and</p> <p>16 upon reflection, you feel that it would be an</p> <p>17 issue worth briefing.</p> <p>18 I certainly would look forward to</p> <p>19 receiving those and having a chance to consider</p> <p>20 this issue in the month or so away.</p> <p>21 Is there anything else I can do for</p> <p>22 you all?</p> <p>23 MS. SMITH: No, Your Honor. Thank</p> <p>24 you.</p> |

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| <p>Page 312</p> <p>1 MS. PIPAK: Thank you, Your Honor.</p> <p>2 THE COURT: Excellent. Thank you.</p> <p>3 Talk to you soon.</p> <p>4 VIDEOGRAPHER: The time is now 4:13</p> <p>5 p.m. and we're back on the record.</p> <p>6 - - -</p> <p>7 BY MS. SMITH:</p> <p>8 Q. Ms. Zula, is speaking with an employee's</p> <p>9 supervisor to determine if a reasonable</p> <p>10 accommodation request was feasible, something that</p> <p>11 human resources typically does?</p> <p>12 A. It depends on the situation.</p> <p>13 Q. What would it depend on?</p> <p>14 A. If information was needed to understand</p> <p>15 what job duties could be or what -- what needs to</p> <p>16 be done for a specific job duty.</p> <p>17 Q. Did you feel that you needed to know</p> <p>18 anything about Jane Doe 1's job duty in order to</p> <p>19 evaluate this reasonable accommodation request?</p> <p>20 A. No.</p> <p>21 Q. You believed you had enough -- enough of</p> <p>22 an understanding of her job duty at that time to</p> <p>23 make a determination?</p> <p>24 A. Yes, based upon the information we</p> | <p>Page 314</p> <p>1 Q. Did you ever receive a response from Mr.</p> <p>2 Bender?</p> <p>3 A. I'm not sure.</p> <p>4 Q. In the third line down it says: I am</p> <p>5 assuming that we will need to engage in the</p> <p>6 interactive process with Jane Doe 1 regarding her</p> <p>7 request. I wanted to ensure there was nothing</p> <p>8 further that Tom would like for us to do.</p> <p>9 Did you, in fact, engage with Jane Doe 1</p> <p>10 regarding her request?</p> <p>11 A. Yes. I attempted to.</p> <p>12 Q. Okay.</p> <p>13 You attempted to, but you did not,</p> <p>14 correct?</p> <p>15 A. No, because I was told not to contact</p> <p>16 her.</p> <p>17 Q. Subsequent to this accommodation</p> <p>18 request, do you recall calling Jane Doe 1 on</p> <p>19 speaker and having a conversation with her</p> <p>20 regarding medical issues?</p> <p>21 A. This was when I contacted her, I was on</p> <p>22 speakerphone in my office and that was to indicate</p> <p>23 that we received her documentation and set up a</p> <p>24 time to meet with her. And at that point we were</p>                                                                                                                              |
| <p>Page 313</p> <p>1 received from her physician, that is what we</p> <p>2 utilized to make the determination.</p> <p>3 Q. Well, it's what you received from her</p> <p>4 physician, in conjunction with her job duty,</p> <p>5 correct?</p> <p>6 A. Yes.</p> <p>7 Q. Her job duties, I should say?</p> <p>8 A. Her job duties, yes.</p> <p>9 Q. Okay.</p> <p>10 So you would have to have information</p> <p>11 from her physician and enough of an understanding</p> <p>12 of her job duties in order to make a determination</p> <p>13 regarding a reasonable accommodation request; is</p> <p>14 that fair?</p> <p>15 A. Yes.</p> <p>16 MS. SMITH: Okay. Going to mark</p> <p>17 Zula 420 as 123.</p> <p>18 - - -</p> <p>19 (Zula 420 marked as Exhibit-123 for</p> <p>20 identification.)</p> <p>21 - - -</p> <p>22 BY MS. SMITH:</p> <p>23 Q. Do you recognize this e-mail?</p> <p>24 A. Yes.</p>                                                                                                                                                                                                         | <p>Page 315</p> <p>1 going to discuss and she told -- I was then told</p> <p>2 that I can't discuss it with her.</p> <p>3 Q. I disagree with you or don't recall that</p> <p>4 there was communication directly from me.</p> <p>5 But had you received it from me or</p> <p>6 whomever, communication that you should not speak</p> <p>7 with her, did you then -- what actions did you</p> <p>8 take to then try and get the information regarding</p> <p>9 Jane Doe 1's reasonable accommodation request?</p> <p>10 A. As I indicated, I review the information</p> <p>11 provided by her doctor and I did consult with my</p> <p>12 attorney regarding the matter. And it was</p> <p>13 determined that we did meet her requests for a</p> <p>14 reasonable accommodation.</p> <p>15 Q. Okay.</p> <p>16 But what I'm asking is, is you wanted to</p> <p>17 speak with Jane Doe 1 for some reason, correct?</p> <p>18 A. Yes.</p> <p>19 Q. What was that reason?</p> <p>20 A. To just understand a little bit more</p> <p>21 about what she was seeking.</p> <p>22 Q. Did you ever make any attempts to better</p> <p>23 understand what she was seeking through any other</p> <p>24 channels, but for speaking with Jane Doe 1?</p> |



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| <p>Page 316</p> <p>1 A. No.</p> <p>2 MS. SMITH: Marked Zula 426 as</p> <p>3 Exhibit-124.</p> <p>4 - - -</p> <p>5 (Zula 426 marked as Exhibit-124 for</p> <p>6 identification.)</p> <p>7 - - -</p> <p>8 BY MS. SMITH:</p> <p>9 Q. Do you recognize this e-mail?</p> <p>10 A. Yes.</p> <p>11 Q. Do you know why you reached out to</p> <p>12 Heather Garrity to find out if Jane Doe 1 had</p> <p>13 requested and/or filed for leave under the FMLA?</p> <p>14 A. I do not recall why I did that.</p> <p>15 Q. Do you know if it was at your own doing</p> <p>16 or did someone request that you find out?</p> <p>17 A. I -- I really don't recall.</p> <p>18 Q. After Jane Doe 1 in -- on February 16th</p> <p>19 after her medical provider submitted the medical</p> <p>20 form for a reasonable accommodation request, did</p> <p>21 you ever speak with Jane Doe 1 regarding her</p> <p>22 rights under FMLA?</p> <p>23 A. I know there was -- I don't know if we</p> <p>24 spoke, but I believe there was communication</p> | <p>Page 318</p> <p>1 I, correct?</p> <p>2 A. Yes.</p> <p>3 Q. Issue date is February 26, 2021?</p> <p>4 A. Yes.</p> <p>5 Q. Do you -- who drafted this letter?</p> <p>6 A. I did.</p> <p>7 Q. Did any -- go ahead. I'm sorry.</p> <p>8 A. I'm sorry. Go ahead. Yes, I drafted</p> <p>9 it.</p> <p>10 Q. Did anyone have any input in it?</p> <p>11 A. Yes.</p> <p>12 Q. Who?</p> <p>13 A. My attorney.</p> <p>14 Q. Other than your attorney, anyone else?</p> <p>15 A. No.</p> <p>16 Q. Okay.</p> <p>17 But you drafted the initial?</p> <p>18 A. I drafted the initial letter for review.</p> <p>19 Q. Okay.</p> <p>20 After whatever consultation with your</p> <p>21 attorney, a copy of this was sent to -- this</p> <p>22 version was sent to Jane Doe 1, correct?</p> <p>23 A. I believe, yes.</p> <p>24 Q. Do you know -- it says CC to Jane Doe 3</p>                                                                                                                                                                                                                                                                         |
| <p>Page 317</p> <p>1 because she did subsequently request to take FMLA.</p> <p>2 And that was handled by Ms. Garrity in my office.</p> <p>3 She tracked her -- well, she reviewed her time and</p> <p>4 it was found that she was not eligible to take</p> <p>5 FMLA because she didn't work the requisite hours</p> <p>6 during the preceding 12 months.</p> <p>7 Q. But in February of 2021, do -- well,</p> <p>8 let's strike that.</p> <p>9 That topic or conversation,</p> <p>10 communication you were just speaking of with</p> <p>11 Ms. Garrity, do you know when that was?</p> <p>12 A. I don't recall the date.</p> <p>13 Q. Do you know if it was in February 2021?</p> <p>14 A. I don't recall.</p> <p>15 MS. SMITH: We have Zula 2481, it's</p> <p>16 125.</p> <p>17 - - -</p> <p>18 (Zula 2481 marked as Exhibit-125 for</p> <p>19 identification.)</p> <p>20 - - -</p> <p>21 BY MS. SMITH:</p> <p>22 Q. Do you recognize this letter?</p> <p>23 A. Yes.</p> <p>24 Q. It's a letter issued by you to Jane Doe</p> | <p>Page 319</p> <p>1 and file. Does that indicate that Jane Doe 3 also</p> <p>2 received a copy and a copy was placed in Jane Doe</p> <p>3 1's personnel file?</p> <p>4 A. A copy would have most likely been</p> <p>5 placed in her medical file.</p> <p>6 Q. What do you mean her medical file?</p> <p>7 A. So there's -- we keep a medical file</p> <p>8 which is separate from the personnel file, which</p> <p>9 indicate -- like where we would keep things such</p> <p>10 as FMLA paperwork, preemployment physical</p> <p>11 information, drug test information, that where</p> <p>12 those are kept.</p> <p>13 Q. Would reasonable accommodation request</p> <p>14 paperwork be kept in there? Something like this?</p> <p>15 A. So the Document 122, yes, that's where</p> <p>16 that should be kept.</p> <p>17 Q. And you would agree that this is -- this</p> <p>18 letter denies Jane Doe 1 the right to work from</p> <p>19 home, correct?</p> <p>20 MS. PIPAK: I'll object to the</p> <p>21 form.</p> <p>22 Go ahead.</p> <p>23 THE WITNESS: Well, the</p> <p>24 accommodation requested was for her to either work</p> |



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| <p style="text-align: right;">Page 320</p> <p>1 from home or work in a safe and separated area.</p> <p>2 So we granted the accommodation to work in a safe</p> <p>3 or separated area.</p> <p>4 BY MS. SMITH:</p> <p>5 Q. And did not grant her the work from home</p> <p>6 option, correct?</p> <p>7 A. We did not grant her the option to work</p> <p>8 from home.</p> <p>9 Q. The last sentence of the second</p> <p>10 paragraph states: These accommodations, meaning</p> <p>11 the 410 Building work location, are considered the</p> <p>12 most effective given your essential job functions</p> <p>13 and the operational needs of the county.</p> <p>14 What essential job functions do you</p> <p>15 believe she couldn't complete from home that she</p> <p>16 could complete from the 410 Building?</p> <p>17 A. Visiting real estate parcels,</p> <p>18 monitoring -- well, that I one I'm not sure of.</p> <p>19 Visiting the parcels, but, I mean, I believe more</p> <p>20 the concern was Jane Doe 1's history of her work</p> <p>21 product completion when she worked from home, is</p> <p>22 what the issue was.</p> <p>23 Q. Was that an issue or concern you had?</p> <p>24 A. That was a concern that was brought to</p> | <p style="text-align: right;">Page 322</p> <p>1 BY MS. SMITH:</p> <p>2 Q. Do you recognize this e-mail chain?</p> <p>3 A. Yes.</p> <p>4 Q. Ms. -- Jane Doe 3 on Page 2, going on --</p> <p>5 1 going on Page 2, February 26, 2021, 233, asks --</p> <p>6 says, I have a question and then asks, is this a</p> <p>7 denial of the request to perform some duties from</p> <p>8 home. It's in reference -- or response, I guess,</p> <p>9 to your e-mail of February 26th. The letter that</p> <p>10 it references in your e-mail would have been the</p> <p>11 one we just looked at, correct?</p> <p>12 A. Yes.</p> <p>13 Q. Okay.</p> <p>14 And you respond, yes. The accommodation</p> <p>15 provided will be for Jane Doe 1 to perform her</p> <p>16 duties in the office or in the field as needed.</p> <p>17 The yes is in response to, this is a denial of the</p> <p>18 request to perform some duties from home, correct?</p> <p>19 A. Yes.</p> <p>20 Q. Jane Doe 3 then questions, does this</p> <p>21 mean that I do not have the authority to direct</p> <p>22 employees to work from home and work can only be</p> <p>23 completed in the office setting, regardless of</p> <p>24 circumstances or does this just apply to Jane Doe</p> |
| <p style="text-align: right;">Page 321</p> <p>1 my attention by county administration.</p> <p>2 Q. When you say county administration, who</p> <p>3 are you referring to?</p> <p>4 A. Mr. Bender.</p> <p>5 Q. Anyone else in county administration?</p> <p>6 A. I know Ms. Kutzler had made reference</p> <p>7 to -- that there was some questions as to what</p> <p>8 work product they were completing.</p> <p>9 Q. When you say they, who is they?</p> <p>10 A. Jane Doe 1 and Jane Doe 2.</p> <p>11 Q. Did you ever look into what may have</p> <p>12 contributed to their work product during working</p> <p>13 from home?</p> <p>14 A. No, I did not.</p> <p>15 Q. You don't know if they had the supplies</p> <p>16 needed to complete the essential job functions of</p> <p>17 their positions, did you?</p> <p>18 A. I did not look into that issue.</p> <p>19 MS. SMITH: Okay. Marked 550 --</p> <p>20 Zula 550 to 551, it's 126.</p> <p>21 - - -</p> <p>22 (Zula 550-551 marked as Exhibit-126 for</p> <p>23 identification.)</p> <p>24 - - -</p>                                                                                                                                                                                    | <p style="text-align: right;">Page 323</p> <p>1 1? You respond that she does have the authority</p> <p>2 to direct the work of her staff, but work from</p> <p>3 home requests for all staff must be reviewed with</p> <p>4 administration to maintain consistent compliance</p> <p>5 with legal requirements and are approved on a</p> <p>6 case-by-case basis, based upon the work assigned</p> <p>7 and performed by the position.</p> <p>8 When you say all work from home requests</p> <p>9 for staff must be reviewed with administration, whom</p> <p>10 are you including in administration?</p> <p>11 A. So they were reviewed with Gary Bender.</p> <p>12 Q. And then it says consistent -- to</p> <p>13 maintain consistent compliance with legal</p> <p>14 requirements. What legal requirements?</p> <p>15 A. I'm not certain.</p> <p>16 Q. Did anybody help you draft this e-mail?</p> <p>17 A. Yes.</p> <p>18 Q. Who?</p> <p>19 A. My attorney, Mr. Heinbach.</p> <p>20 Q. Okay.</p> <p>21 Then you state that these work from home</p> <p>22 requests will be approved on a case-by-case basis,</p> <p>23 based upon the work assigned and performed by this</p> <p>24 position. Who would approve on a case-by-case</p>            |

| Page 324                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                   | Page 326                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                             |
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| <p>1 basis?</p> <p>2 A. So when I received requests, I met daily</p> <p>3 with my supervisor, Mr. Bender, and we reviewed</p> <p>4 those requests and he would ultimately provide the</p> <p>5 guidance as to whether or not we could approve</p> <p>6 those requests.</p> <p>7 Q. So did Mr. Bender provide guidance on</p> <p>8 whether to deny, as you said yes, the work from</p> <p>9 home is denied, the work from home request of Jane</p> <p>10 Doe 1?</p> <p>11 A. Yes, he did indicate that Jane Doe 1</p> <p>12 could not work from home.</p> <p>13 Q. Did you believe it was appropriate for</p> <p>14 Mr. Bender to weigh in on a matter of an</p> <p>15 individual who had accused him of sexual</p> <p>16 harassment, aiding, abetting, and retaliation?</p> <p>17 A. In his role as the county administrator,</p> <p>18 yes. They were still employees of the county and</p> <p>19 so, yes, it would be appropriate for him to review</p> <p>20 a request for a work from home requirement.</p> <p>21 Q. But by an individual who had accused him</p> <p>22 of something so significant?</p> <p>23 A. Yes. I reviewed it with him.</p> <p>24 Q. I'm not asking if you reviewed it with</p> | <p>1 Doe 1, that Jane Doe 3 had more knowledge about</p> <p>2 Jane Doe 1's job description and job duties --</p> <p>3 A. Yes.</p> <p>4 Q. -- than you?</p> <p>5 A. Yes, she did.</p> <p>6 Q. Okay.</p> <p>7 Why didn't you defer judgment to her</p> <p>8 regarding this request?</p> <p>9 A. I deferred judgment to the documentation</p> <p>10 we received from the provider.</p> <p>11 Q. Right.</p> <p>12 But her job duties and responsibilities</p> <p>13 also played a part, right?</p> <p>14 A. Yes, they did.</p> <p>15 Q. And the person with the county who had</p> <p>16 the most knowledge regarding those job duties and</p> <p>17 responsibilities of Jane Doe 1 would have been</p> <p>18 Jane Doe 3, correct?</p> <p>19 A. I'm not certain if she was the only --</p> <p>20 I'm not certain if she's the one who had the most</p> <p>21 knowledge. I don't know that. She had more</p> <p>22 knowledge than I did, yes.</p> <p>23 Q. So why didn't you ask for her input?</p> <p>24 A. Because I based it off of the</p>                                            |
| Page 325                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                   | Page 327                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                             |
| <p>1 him.</p> <p>2 I'm asking if you believe that it's --</p> <p>3 is it appropriate, not is it his job duty, not do</p> <p>4 you do it with him, is it, do you believe,</p> <p>5 appropriate for him to have reviewed this work</p> <p>6 from home request, being -- being have been</p> <p>7 accused of what he was accused of by Jane Doe 1 or</p> <p>8 do you think he should have asked somebody else to</p> <p>9 do it?</p> <p>10 MS. PIPAK: I'll object to the</p> <p>11 form.</p> <p>12 But you can answer.</p> <p>13 THE WITNESS: Well, I don't believe</p> <p>14 he was accused of doing anything to Jane Doe 1,</p> <p>15 based upon what I understand. And so, yes, I</p> <p>16 believed it was appropriate to review these --</p> <p>17 this information with him.</p> <p>18 BY MS. SMITH:</p> <p>19 Q. Do you believe that Mr. Bender's</p> <p>20 decision regarding Jane Doe 1 was an impartial</p> <p>21 one?</p> <p>22 A. Yes.</p> <p>23 Q. Would you agree that at time that this</p> <p>24 reasonable accommodation request was made by Jane</p>                                                                                                                                        | <p>1 documentation that was provided by the doctor</p> <p>2 indicating that either a work from home or a</p> <p>3 separated work area be provided.</p> <p>4 Q. That's what you relied your opinion on.</p> <p>5 I'm asking, why didn't you, in addition</p> <p>6 to that -- what was your reasoning for not just</p> <p>7 asking Jane Doe 3?</p> <p>8 A. I didn't believe I needed to.</p> <p>9 Q. Why didn't you believe you needed to?</p> <p>10 A. Because I didn't. I based it off of the</p> <p>11 documentation we received from the doctor.</p> <p>12 Q. Right.</p> <p>13 But Jane Doe 3, you just said, had more</p> <p>14 knowledge than you about Jane Doe 1's work duties,</p> <p>15 correct?</p> <p>16 A. Yes.</p> <p>17 Q. So why didn't you think that her input</p> <p>18 would be relevant?</p> <p>19 A. I didn't believe I needed her input.</p> <p>20 Q. Is that -- you thought you could make a</p> <p>21 decision or you thought legally you didn't need</p> <p>22 her opinion?</p> <p>23 A. Well, as I said --</p> <p>24 MS. PIPAK: I am going to object to</p> |

| Page 328                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                        | Page 330                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                      |
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| <p>1 the form.</p> <p>2 But you can answer.</p> <p>3 THE WITNESS: I consulted with my</p> <p>4 attorney regarding the paperwork received. I</p> <p>5 received guidance from the attorney and I followed</p> <p>6 that guidance.</p> <p>7 BY MS. SMITH:</p> <p>8 Q. The 410 Building, we established through</p> <p>9 your testimony earlier, was open to the public,</p> <p>10 correct?</p> <p>11 A. Yes.</p> <p>12 Q. Mr. Halcovage could enter that building,</p> <p>13 correct?</p> <p>14 A. Yes, potentially.</p> <p>15 Q. Jane Doe 1 did not have a parking space,</p> <p>16 correct?</p> <p>17 A. Not to my knowledge.</p> <p>18 Q. She would have to walk from the street</p> <p>19 or another location to enter the building,</p> <p>20 correct?</p> <p>21 A. Yes.</p> <p>22 Q. How is it is that you came to the</p> <p>23 conclusion that that was a safe work environment?</p> <p>24 A. It was a separated work environment from</p>                                                                                                                                                                                                                                 | <p>1 - - -</p> <p>2 (Zula 274 marked as Exhibit-127 for</p> <p>3 identification.)</p> <p>4 - - -</p> <p>5 BY MS. SMITH:</p> <p>6 Q. Ms. Zula, do you recognize this</p> <p>7 document?</p> <p>8 A. Yes.</p> <p>9 Q. There's a stamp on the right, it says</p> <p>10 received March 12, 2021, human resources. Is that</p> <p>11 a stamp that is placed on documents received from</p> <p>12 outside entities, entities outside the county when</p> <p>13 they're received by human resources?</p> <p>14 A. Yes. Sometimes, yes.</p> <p>15 Q. When does something get a stamp versus</p> <p>16 when does something --</p> <p>17 A. I don't know. I don't stamp the -- I</p> <p>18 don't stamp the documentation in. I don't know.</p> <p>19 Q. Who stamps it?</p> <p>20 A. It's done by the administrative</p> <p>21 assistant.</p> <p>22 Q. And that's an administrative assistant</p> <p>23 to the director of human resources?</p> <p>24 A. Yes.</p>                        |
| Page 329                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                        | Page 331                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                      |
| <p>1 Mr. Halcovage. I can not control what happens out</p> <p>2 on the street between Jane Doe 1 or -- and any of</p> <p>3 the people she's made allegations against. I --</p> <p>4 in the office, Mr. Halcovage was told he is not to</p> <p>5 be in the 410 Building and he did not go to the</p> <p>6 410 Building.</p> <p>7 Q. Jane Doe 1's job duties included often</p> <p>8 going out into the field, correct?</p> <p>9 A. Yes, that's my understanding.</p> <p>10 Q. Which would mean she would have to come</p> <p>11 and go from the building more often than, say,</p> <p>12 someone who only has an office job, correct?</p> <p>13 A. Yes.</p> <p>14 Q. Did you take that into consideration</p> <p>15 when determining whether an alternative location</p> <p>16 from the courthouse or working from home would be</p> <p>17 a better -- a safer or separate -- more separated</p> <p>18 area from Mr. Halcovage?</p> <p>19 MS. PIPAK: Object to the form.</p> <p>20 You can answer.</p> <p>21 THE WITNESS: I don't think I</p> <p>22 specifically took that into consideration, no.</p> <p>23 MS. SMITH: I'm going to mark Zula</p> <p>24 274 as Exhibit-127.</p> | <p>1 Q. Was there ever instruction that any</p> <p>2 incoming paperwork from an outside source should</p> <p>3 be stamped?</p> <p>4 A. That was the general direction, yes.</p> <p>5 Q. Did you receive this letter from, looks</p> <p>6 like, Dr. Lubinsky, L-U-B-I-N-S-K-Y, on or about</p> <p>7 March 12, 2021?</p> <p>8 A. Yes.</p> <p>9 Q. And did you review it?</p> <p>10 A. Yes.</p> <p>11 Q. As a result of this letter, what, if</p> <p>12 anything, did you do?</p> <p>13 A. We did review the information again.</p> <p>14 However, the decision to not allow Jane Doe 1 to</p> <p>15 work from home still stood.</p> <p>16 Q. Did you, after receiving this letter,</p> <p>17 speak with Jane Doe 1?</p> <p>18 A. No, I did not.</p> <p>19 Q. Did you make any attempts to speak with</p> <p>20 her?</p> <p>21 A. No, I did not.</p> <p>22 Q. Did you speak with Jane Doe 3?</p> <p>23 A. No, I did not.</p> <p>24 Q. Did you attempt to speak with Jane Doe</p> |

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| <p>Page 332</p> <p>1 3?</p> <p>2 A. I do not -- I do not believe I did.</p> <p>3 Q. This is a request that the 410 Building</p> <p>4 be -- Jane Doe 1's location, work location, the</p> <p>5 410 Building be reconsidered, as her medical</p> <p>6 provider did not believe that that was, in fact, a</p> <p>7 safe and separated location, correct?</p> <p>8 MS. PIPAK: I'll object to the</p> <p>9 form.</p> <p>10 But you can answer.</p> <p>11 THE WITNESS: Can you repeat the</p> <p>12 question? I just was reading.</p> <p>13 BY MS. SMITH:</p> <p>14 Q. So the last -- the February 16 fax that</p> <p>15 we looked at, the medical provider form, that was</p> <p>16 kind of a hybrid request of either work from a</p> <p>17 safe and separated location or from home. This is</p> <p>18 more of a, your alleged safe and separated</p> <p>19 location is not, in fact, a safe and separated</p> <p>20 location communication, correct?</p> <p>21 A. I don't know what you're asking me.</p> <p>22 Q. In this letter, they are basically</p> <p>23 saying what you consider a safe and separated</p> <p>24 location for Jane Doe 1, meaning the 410 Building,</p> | <p>Page 334</p> <p>1 meeting you had -- 2021 meeting you had with Jane</p> <p>2 Doe 3 and Jane Doe 3 and Jane Doe 4, that they</p> <p>3 informed you that coming in -- that Jane Doe 1's</p> <p>4 act of coming into a county building is what</p> <p>5 caused her extreme anxiety and that is what</p> <p>6 disrupted her work?</p> <p>7 A. I believe that was discussed, yes.</p> <p>8 Q. So did you think maybe if we let her</p> <p>9 work from home, she won't have this anxiety and</p> <p>10 she will be more productive, let's try that out?</p> <p>11 MS. PIPAK: Object to the form.</p> <p>12 Go ahead.</p> <p>13 THE WITNESS: Prior to me getting</p> <p>14 to the county, she did work from home and I was</p> <p>15 advised that she did not submit her work product,</p> <p>16 hence the delinquency of the STEB reports. And</p> <p>17 therefore, the determination was made when I</p> <p>18 reviewed information with my supervisor, that she</p> <p>19 was not going to be permitted to work from home.</p> <p>20 Q. Ms. Zula, during your employment with</p> <p>21 the county in January of 2022, the county again</p> <p>22 entered into a work from home agreement with Jane</p> <p>23 Doe 1, did they not?</p> <p>24 A. Yes, they did.</p> |
| <p>Page 333</p> <p>1 is not, in fact, a safe and separated location,</p> <p>2 correct?</p> <p>3 A. That's what the doctor is stating, yes.</p> <p>4 Q. Okay.</p> <p>5 And in fact, they raised the issue of</p> <p>6 what I just raised, in Paragraph 3, namely walking</p> <p>7 to and from her vehicle multiple times a day to</p> <p>8 complete essential job functions as a field</p> <p>9 appraiser alone places her at risk.</p> <p>10 Did you then consider that as -- as</p> <p>11 having an impact on safety and separation of her</p> <p>12 work environment?</p> <p>13 A. No, I did not.</p> <p>14 Q. I'm sorry.</p> <p>15 Why couldn't Jane Doe 1 work from home</p> <p>16 and in the field, a hybrid; what was the</p> <p>17 reasoning?</p> <p>18 A. We had great concerns about her</p> <p>19 submission of her work product. She did not</p> <p>20 complete her work when she worked from home, so we</p> <p>21 believed it would be more appropriate for her to</p> <p>22 work in an office location at the county where her</p> <p>23 work can be more closely monitored.</p> <p>24 Q. Do you recall in the February 5th</p>                                | <p>Page 335</p> <p>1 Q. And between February or March 2021 and</p> <p>2 January of 2022, Jane Doe 1 still failed to timely</p> <p>3 complete her STEB reports, correct?</p> <p>4 A. Yes, at times. Yeah, she was more</p> <p>5 timely than she was prior. But, yes, she -- she</p> <p>6 was late on occasion, yes.</p> <p>7 Q. Why -- what changed if the county had</p> <p>8 concerns about her work product, STEB reports</p> <p>9 being late -- strike that.</p> <p>10 Prior to the denial of her work from</p> <p>11 home request in March of 2021, she had never been</p> <p>12 written up or disciplined for her late STEB</p> <p>13 reports, correct?</p> <p>14 A. To my knowledge, no, she had not.</p> <p>15 Q. After that, after she began working back</p> <p>16 at the county building, the 410 Building, she was</p> <p>17 written up and suspended for her late STEB</p> <p>18 reports, correct?</p> <p>19 A. Yes.</p> <p>20 Q. And despite two disciplinary actions, in</p> <p>21 January of 2022, the county still allowed her then</p> <p>22 to work from home, correct?</p> <p>23 A. Well, what led up to them working from</p> <p>24 home was the fact that they took what they termed</p>                                                     |



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| <p>1 or what Jane Doe 1 termed, a sabbatical, which was<br/>2 a completely non-approved leave, but, again, we<br/>3 did not take any action based upon that. So in<br/>4 order to get her to return back to work and after<br/>5 consultation with our attorney at the time, we did<br/>6 enter into an agreement to allow her to come back<br/>7 to work from her sabbatical on a work from home<br/>8 basis.<br/>9 Q. So again my question is: Despite two<br/>10 disciplinary actions in the month after this<br/>11 denial, so after March of 2021, after those two<br/>12 disciplinary actions, in January of 2022, Jane Doe<br/>13 1 was permitted to work from home, correct?<br/>14 A. Yes. After -- because they weren't<br/>15 reporting to work period, so yes.<br/>16 Q. In those months, Jan -- March of 2021<br/>17 and January of 2022, do you recall receiving any<br/>18 correspondence from anyone regarding work supplies<br/>19 for Jane Doe 1?<br/>20 A. I'm not certain. I know when she came<br/>21 back in January, there was some request for<br/>22 supplies for her to work from home. I don't<br/>23 recall if there were any prior to that. I don't<br/>24 remember. But I know there was some discussion</p> | <p>Page 336</p> <p>1 Q. Was she given a full-sized keyboard?<br/>2 A. I don't know.<br/>3 Q. So do you recall if you were involved in<br/>4 those supplies?<br/>5 A. No. No, I don't -- I don't -- I don't<br/>6 recall being involved. I know that there was a<br/>7 request for supplies in 2022. What those specific<br/>8 supplies were from Jane Doe 1's standpoint, I<br/>9 don't recall.<br/>10 MS. SMITH: Okay. We will mark for<br/>11 today's purposes as 128, it's Zula 271 and 272.<br/>12 271 through 273, I apologize.<br/>13 ---<br/>14 (Zula 271-273 marked as Exhibit-128 for<br/>15 identification.)<br/>16 ---<br/>17 BY MS. SMITH:<br/>18 Q. I want look at this in conjunction with<br/>19 what was marked as 127.<br/>20 They are consecutive Bates numbers at<br/>21 the bottom right and they have that same fax<br/>22 information at the top. Do you recall at the<br/>23 time -- at the time you received this letter, are<br/>24 these the other pages, if we look at -- if we look</p> <p>Page 338</p> |
| <p>1 about supplies in January when she did --<br/>2 January 2022, when she did return working from<br/>3 home.<br/>4 Q. Do you know if in January 2021, when she<br/>5 returned from the 2020 stint of working from home,<br/>6 did she return any county equipment that she had<br/>7 been utilizing at home?<br/>8 A. I don't know.<br/>9 Q. Okay.<br/>10 Do you know if then in January of 2022,<br/>11 when she started that work from home stint, did<br/>12 she receive different equipment than she had<br/>13 received in 2020?<br/>14 A. I don't know. I know she had a laptop<br/>15 assigned to her that she could utilize to work<br/>16 from home, but I don't know if it was the same<br/>17 laptop. I don't know.<br/>18 Q. You're talking -- you said she had a<br/>19 laptop assigned to her. You mean in 2022?<br/>20 A. Yes. And prior to that she worked with<br/>21 a laptop. She had a laptop assigned to her that<br/>22 she could utilize to do her work duties.<br/>23 Q. Was she given an additional monitor?<br/>24 A. That I'm not certain.</p> <p>Page 337</p>                                                                                                                                               | <p>1 at 127, it says Page 5 of 5 and these pages say 2,<br/>2 3, and 4 of 5 --<br/>3 A. Yes.<br/>4 Q. -- do you see that?<br/>5 Okay.<br/>6 So were these received by you at the<br/>7 same time as --<br/>8 A. Yes, I believe they were.<br/>9 Q. -- 127?<br/>10 Do you have any medical training?<br/>11 A. No. And I did not review this document<br/>12 because I'm not a medical provider. And so why it<br/>13 was provided, I have no idea.<br/>14 Q. Okay.<br/>15 A. No, I did not -- I did not do anything<br/>16 with this document, other than put it in the file.<br/>17 Q. Well, you received it, right?<br/>18 A. I received.<br/>19 Q. You looked through it probably, right?<br/>20 A. I -- yeah. And I have no idea what that<br/>21 is.<br/>22 Q. And you said I don't really understand<br/>23 this because it's --<br/>24 A. Correct.</p> <p>Page 339</p>                                                                                                                                                       |



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| <p style="text-align: right;">Page 340</p> <p>1 Q. -- basically Chinese?</p> <p>2 A. Yes. I'm not a doctor. Never had any</p> <p>3 medical training. I have no idea.</p> <p>4 Q. Did you ever reach out to Jane Doe 1's</p> <p>5 doctor?</p> <p>6 A. No.</p> <p>7 Q. Did you ever say, hey, can you translate</p> <p>8 this for me?</p> <p>9 A. No, I did not.</p> <p>10 Q. Did you ever ask any doctor, hey, can</p> <p>11 you translate this for me?</p> <p>12 A. No, I did not.</p> <p>13 Q. Okay.</p> <p>14 Do you know if -- well, you said you</p> <p>15 didn't understand it. So you have no idea what it</p> <p>16 says, right?</p> <p>17 A. No. Only that it's a summary of</p> <p>18 whatever her visit that occurred, apparently, on</p> <p>19 3/1.</p> <p>20 MS. SMITH: Okay. Mark for today's</p> <p>21 purposes 129, it's Zula 800 to 801.</p> <p>22 - - -</p> <p>23 (Zula 800-801 marked as Exhibit-129 for</p> <p>24 identification.)</p>                                                                                                                                                    | <p style="text-align: right;">Page 342</p> <p>1 says that was provided and then it says was not --</p> <p>2 A. Well, I think there was -- I think there</p> <p>3 was belief that we were going to get something</p> <p>4 similar to this document, revised, dated</p> <p>5 March 1st --</p> <p>6 Q. Okay.</p> <p>7 A. -- I believe that's what I was looking</p> <p>8 for.</p> <p>9 Q. So when you said this, just for the</p> <p>10 record, you were --</p> <p>11 A. I'm sorry.</p> <p>12 Q. -- holding up --</p> <p>13 A. Exhibit-122. Sorry.</p> <p>14 Q. Okay.</p> <p>15 So I guess looking then at Exhibit-127</p> <p>16 for a second. Looking at the bottom para -- well,</p> <p>17 the second to last paragraph. The last sentence</p> <p>18 it says: I'm asking that you consider the</p> <p>19 physician review statement dated March 1, 2021.</p> <p>20 Is your sentence, the additional --</p> <p>21 based upon the additional physician review</p> <p>22 statement dated March 1, 2021, that was provided,</p> <p>23 quoting this letter and you saying in the next</p> <p>24 sentence, however, we have not received this</p>                                                                                 |
| <p style="text-align: right;">Page 341</p> <p>1 - - -</p> <p>2 BY MS. SMITH:</p> <p>3 Q. This is an e-mail -- well, an e-mail</p> <p>4 chain, the first of which is an e-mail from you to</p> <p>5 Jane Doe 1 on March 24, 2021 correct?</p> <p>6 A. Yes.</p> <p>7 Q. So you did communicate with Jane Doe 1</p> <p>8 after you believe I instructed you not to,</p> <p>9 correct?</p> <p>10 A. Yeah. I didn't speak with her.</p> <p>11 Q. Okay.</p> <p>12 But you communicated with her, correct?</p> <p>13 A. Yes.</p> <p>14 Q. All right.</p> <p>15 In the March 24th e-mail from you about</p> <p>16 midway through it says: The most recent</p> <p>17 documentation received from your physician</p> <p>18 requested that the county reevaluate the decision</p> <p>19 regarding your request for a reasonable</p> <p>20 accommodation based upon an additional physician's</p> <p>21 medical review statement dated March 1, 2021, that</p> <p>22 was provided. However, we have no received the</p> <p>23 revised statement from March 1, 2021.</p> <p>24 So I'm confused. Are you -- because it</p> | <p style="text-align: right;">Page 343</p> <p>1 statement because you hadn't received --</p> <p>2 A. So my -- and maybe my e-mail was</p> <p>3 incorrect. We got this information.</p> <p>4 Q. When you're saying this --</p> <p>5 A. I'm sorry. Exhibit-127 and 128 and in</p> <p>6 the last sentence as you indicated, I am</p> <p>7 requesting that you consider the physician's</p> <p>8 review statement dated March 1st. That is the</p> <p>9 statement that I am -- I am believing that we</p> <p>10 were -- should have received a March 1st dated</p> <p>11 medical -- physician medical review statement,</p> <p>12 such as Exhibit-122 from March 1st. And I did not</p> <p>13 get a document such as that as was referenced in</p> <p>14 Exhibit-127.</p> <p>15 Q. Okay.</p> <p>16 So if I understand correctly, what you</p> <p>17 are saying in those two sentences is her doctor</p> <p>18 said he sent this March 1st thing, we didn't</p> <p>19 receive it and I need it --</p> <p>20 A. Yes.</p> <p>21 Q. -- to reconsider?</p> <p>22 A. Yeah. Based upon -- I wasn't sure what</p> <p>23 was in the physician's review statement dated</p> <p>24 March 1, 2021, because I didn't see that physician</p> |

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| <p>Page 344</p> <p>1 review statement such as was in Exhibit-122.</p> <p>2 Q. Okay.</p> <p>3 Did you consider that this 128, which is</p> <p>4 a summary by a physician dated March 1, 2021, was</p> <p>5 the physician's review -- medical review</p> <p>6 statement?</p> <p>7 A. No, I did not.</p> <p>8 Q. Okay.</p> <p>9 And it was, in fact, included with the</p> <p>10 fax which says that there's a physician's review</p> <p>11 statement that's included, correct?</p> <p>12 A. Yes, it was. But I did not, as</p> <p>13 indicated in Exhibit-122, that's the physician's</p> <p>14 medical review statement that I was expecting to</p> <p>15 receive.</p> <p>16 Q. Jane Doe 1 responds -- Jane Doe 1</p> <p>17 responds that you can call her physician's office</p> <p>18 and provides you their phone number, correct?</p> <p>19 A. Yes.</p> <p>20 Q. And you indicate that you would attempt</p> <p>21 to reach out to her physician's office to request</p> <p>22 the additional documentation, correct?</p> <p>23 A. Yes.</p> <p>24 Q. Did you ever reach out to her doctor's</p>                                              | <p>Page 346</p> <p>1 March 8th letter in request for reconsideration</p> <p>2 then was ever, in fact, reconsidered?</p> <p>3 A. As I indicated, we did not grant her the</p> <p>4 ability to work from home at that time.</p> <p>5 Q. So after the March 8th letter, there was</p> <p>6 another denial of her work from home?</p> <p>7 A. Yes. We did not approve her ability to</p> <p>8 work from home or request to work from home.</p> <p>9 Q. And was that -- did you have the</p> <p>10 March 1, 2021, physician's review statement to</p> <p>11 consider as her doctor requested when making that</p> <p>12 decision?</p> <p>13 A. No, I did not receive the March 1st</p> <p>14 document as was referenced.</p> <p>15 Q. Okay.</p> <p>16 On March 8th of 2021, Jane Doe 1's</p> <p>17 supervisor was still Jane Doe 3, correct?</p> <p>18 A. Yes.</p> <p>19 Q. Did you speak with Jane Doe 3 after</p> <p>20 receiving this March 8, 2021, letter of</p> <p>21 reconsideration from Jane Doe 1's medical</p> <p>22 provider?</p> <p>23 A. No, I do not believe I did.</p> <p>24 Q. Do you recall around the same time that</p> |
| <p>Page 345</p> <p>1 office?</p> <p>2 A. Yes, I believe I did.</p> <p>3 Q. And did they ever provide you or tell</p> <p>4 you that, hey, this -- that document we faxed you</p> <p>5 was, in fact, the statement?</p> <p>6 A. I believe -- I don't know if I actually</p> <p>7 did speak to anyone on Jane Doe 1's behalf from the</p> <p>8 office, the doctor's office. I'm not certain if I</p> <p>9 did or I didn't. I don't remember.</p> <p>10 Q. Well, do you know if you, in fact,</p> <p>11 reached out then?</p> <p>12 A. I believe -- yes, I did reach out. But</p> <p>13 I don't -- I am not certain if I talked to them</p> <p>14 about Jane Doe 1 or not.</p> <p>15 Q. Do you know if you reached out more than</p> <p>16 once?</p> <p>17 A. I don't recall.</p> <p>18 Q. Do you know if you ever received this</p> <p>19 March 1st physician review -- review statement or</p> <p>20 information that this 128 was, in fact, that</p> <p>21 statement -- statement?</p> <p>22 A. No, I don't -- I don't believe I</p> <p>23 received anything for the March 1st indication.</p> <p>24 Q. Do you know if Jane Doe 1's doctor's</p> | <p>Page 347</p> <p>1 you received Jane Doe 1's medical provider's</p> <p>2 documentation, that Jane Doe 3 submitted a</p> <p>3 short-term telecommuting agreement from Jane Doe</p> <p>4 1?</p> <p>5 A. Yes, I believe it was right around that</p> <p>6 time.</p> <p>7 MS. SMITH: Okay. I'm going to</p> <p>8 mark 470 to 72 -- 470 to 472 and 454 and 455</p> <p>9 collectively as 130.</p> <p>10 - - -</p> <p>11 (Zula 470-472 and 454-455 marked as</p> <p>12 Exhibit-130 for identification.)</p> <p>13 - - -</p> <p>14 BY MS. SMITH:</p> <p>15 Q. If we look -- Ms. Zula, I am going to</p> <p>16 draw your attention to --</p> <p>17 MS. SMITH: Matt, if you can put</p> <p>18 470 up on the screen for right now.</p> <p>19 BY MS. SMITH:</p> <p>20 Q. Okay.</p> <p>21 Ms. Zula, please look to page -- the</p> <p>22 bottom of Page 1 on 470 to Page 471. This is an</p> <p>23 E-mail from Jane Doe 3 on February 18th to you,</p> <p>24 correct?</p>                                                                                                                                                                         |

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| <p style="text-align: right;">Page 348</p> <p>1 A. Yes.</p> <p>2 Q. Okay.</p> <p>3 Now, if we turn to Page 2, the very last</p> <p>4 paragraph of Jane Doe 3's e-mail, she states: If</p> <p>5 the county wishes to continually meet the</p> <p>6 deadlines set by STEB and remain in compliance, I</p> <p>7 would advise that Jane Doe 1 be permitted to work</p> <p>8 a schedule that permits a portion of her time be</p> <p>9 spent in the 4 -- at the 410 Building, a portion</p> <p>10 of time working from home, and a portion of the</p> <p>11 time in the field as needed, and then she gives</p> <p>12 you the current STEB upload dates or information.</p> <p>13 I don't see a short-term telecommuting</p> <p>14 agreement attachment to this e-mail, but it's my</p> <p>15 understanding that 454 and 455 was attached, as</p> <p>16 the date indicated on it, it was 2/18, was</p> <p>17 attached to this e-mail. Was that your</p> <p>18 recollection?</p> <p>19 A. I don't know -- I don't know if it was</p> <p>20 attached to this e-mail. That I don't know.</p> <p>21 Q. Okay.</p> <p>22 But in any event, this 50 -- 454 and 455</p> <p>23 document was received by you around February 18th</p> <p>24 or 19th of 2021?</p> | <p style="text-align: right;">Page 350</p> <p>1 anything, was discussed?</p> <p>2 A. My understanding was -- well, based upon</p> <p>3 our discussions, again, he had some great concerns</p> <p>4 about allowing Jane Doe 1 to work from home.</p> <p>5 Q. And he -- did he instruct you to deny</p> <p>6 this?</p> <p>7 A. Well, we asked for further clarification</p> <p>8 initially. But at the end of the day, yes, we did</p> <p>9 end up denying her request to work from home.</p> <p>10 Q. Okay.</p> <p>11 So you said you asked for further</p> <p>12 clarification, you pointed to something. Were you</p> <p>13 pointing to 470?</p> <p>14 A. Yes. Exhibit-130, we did ask for</p> <p>15 clarification in the e-mail.</p> <p>16 Q. So you send Jane Doe 3, in response to</p> <p>17 receiving what's 454 and 455, the telecommuting</p> <p>18 agreement, a couple days later you send Jane Doe 3</p> <p>19 an e-mail requesting further clarification,</p> <p>20 correct?</p> <p>21 A. Yes.</p> <p>22 Q. Did -- in your conversation with Mr.</p> <p>23 Bender, did the -- did the discussion about</p> <p>24 requesting further information or clarification</p> |
| <p style="text-align: right;">Page 349</p> <p>1 A. Yes.</p> <p>2 Q. Okay.</p> <p>3 MS. IPPOLITO: Catherine, are you</p> <p>4 making -- is that definitely going to be all part</p> <p>5 of Exhibit-130?</p> <p>6 MS. SMITH: Yes.</p> <p>7 BY MS. SMITH:</p> <p>8 Q. When you received this, from whom did</p> <p>9 you receive it?</p> <p>10 A. I believe it came from Jane Doe 3.</p> <p>11 Q. Okay.</p> <p>12 And did you review it?</p> <p>13 A. Yes.</p> <p>14 Q. And as a result of reviewing it, what,</p> <p>15 if anything, did you do?</p> <p>16 A. I consulted with Mr. Bender, as well as</p> <p>17 my attorney, Tom Heinbach.</p> <p>18 Q. Were those consultations in the same</p> <p>19 communication or were they separate?</p> <p>20 A. They were most likely separate.</p> <p>21 Typically I talk to Tom separately from Mr.</p> <p>22 Bender.</p> <p>23 Q. Okay.</p> <p>24 When you talked to Mr. Bender, what, if</p>                                                                                                                                                                                                                                                                                                          | <p style="text-align: right;">Page 351</p> <p>1 come up?</p> <p>2 A. I don't believe it did, no.</p> <p>3 Q. Okay.</p> <p>4 Did Mr. Bender tell you to deny the</p> <p>5 short-term telecommuting agreement?</p> <p>6 A. Initially -- well, eventually yes. I</p> <p>7 don't know the timing of that though, as far as</p> <p>8 when that occurred.</p> <p>9 Q. Before you sent this February 22nd</p> <p>10 e-mail, did he tell you to deny it?</p> <p>11 A. No.</p> <p>12 Q. What did he tell you to do?</p> <p>13 A. So he typically -- well, he -- I'm sure</p> <p>14 he told me to follow up with Tom Heinbach and</p> <p>15 that's what I did.</p> <p>16 Q. Okay.</p> <p>17 And then on February 22, 2021, you sent</p> <p>18 this e-mail to Jane Doe 1?</p> <p>19 A. Correct.</p> <p>20 Q. Sorry.</p> <p>21 To Jane Doe 3.</p> <p>22 MS. SMITH: I'm going to mark as</p> <p>23 131, it's 475 to 477, Zula 475 to 477.</p> <p>24 - - -</p>                                                                                                                                                                                                                               |

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| <p style="text-align: right;">Page 352</p> <p>(Zula 475-477 marked as Exhibit-131 for identification.)</p> <p style="text-align: center;">- - -</p> <p>BY MS. SMITH:</p> <p>Q. Ms. Zula, do you recognize this chain of e-mails?</p> <p>A. Yes.</p> <p>Q. This is essentially a continuation of last the e-mail, correct?</p> <p>A. Yes.</p> <p>Q. And this is Jane Doe 3's response to your request for further information and clarification?</p> <p>A. Yes.</p> <p>Q. Okay.</p> <p>Why is it that you needed this information if in February -- well -- so this information, was this just for the short-term telecommuting agreement?</p> <p>A. Yes.</p> <p>Q. And was this -- this -- was this information used for Jane Doe 1's medical provider's response?</p> <p>A. No, I don't -- no. I believe for the</p>                                                                                                               | <p style="text-align: right;">Page 354</p> <p>MS. SMITH: Okay. I'm going to mark as 132, 460 to 463.</p> <p style="text-align: center;">- - -</p> <p>(Zula 460-463 marked as Exhibit-132 for identification.)</p> <p style="text-align: center;">- - -</p> <p>BY MS. SMITH:</p> <p>Q. Why don't you take a look at this.</p> <p>This is also a continuation, kind of, of that chain of e-mails, correct?</p> <p>A. Yes.</p> <p>Q. On February 19, 2021, Mr. Bender told you, do not sign, did he not?</p> <p>A. Correct.</p> <p>Q. Is that a denial of Jane Doe 1's home from work agreement?</p> <p>A. No. That was just to not sign it at that time.</p> <p>Q. He's telling you not to sign it?</p> <p>A. Correct.</p> <p>Q. Does he tell you to request additional information?</p> <p>A. No. But that was a discussion that we had.</p>                                                                                                                                                    |
| <p style="text-align: right;">Page 353</p> <p>medical provider responses the documentation we used from the medical provider.</p> <p>Q. Okay. All right.</p> <p>I'm sorry.</p> <p>So just going back real quick to the 47 one. Is that what you have in front of you?</p> <p>MS. PIPAK: What exhibit is that?</p> <p>THE WITNESS: 130.</p> <p>BY MS. SMITH:</p> <p>Q. Between receiving the -- and I'm sorry if you testified to this.</p> <p>Between receiving the work from the -- telecommuting agreement or the short-term telecommuting agreement from Jane Doe 3 and asking for the additional information, as you did on February 22nd, did Mr. Bender tell you to deny the request?</p> <p>A. No. I don't believe it was in between that time frame. It was after we received the information.</p> <p>Q. Right, because additional information was necessary to make a fully informed decision, correct?</p> <p>A. Yes.</p> | <p style="text-align: right;">Page 355</p> <p>Q. So it was Mr. Bender who told you to request additional information?</p> <p>A. We had a discussion regarding her request for the work from home agreement and he had requested that I reach out to Tom Heinbach to get further guidance.</p> <p>Q. Why is it that you communicated with Mr. Bender through e-mail on February -- I'm sorry. Strike that.</p> <p>That conversation regarding additional information, was that in person or in e-mail?</p> <p>A. That would have, I believe, been in person. I met with Mr. Bender on a daily basis as my supervisor.</p> <p>Q. But you put everything else about this in writing, didn't you?</p> <p>A. Well, we didn't meet until the end of the day, so, I mean, there -- yes, I did communicate with him via e-mail as well.</p> <p>Q. Did you write down what additional information he thought you should --</p> <p>A. No.</p> <p>Q. -- ask her?</p> <p>A. No, I most likely did not.</p> |

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| <p>Page 356</p> <p>1 Q. On March 1, 2021, human resources<br/>2 received a completed physician's medical review<br/>3 from Jane Doe 2, correct?<br/>4 A. I don't know the date.<br/>5 MS. SMITH: It's going to be Zula<br/>6 291 and then 288 through 9 -- 290.<br/>7 It's going to be Exhibit-133.<br/>8 ---<br/>9 (Zula 288-291 marked as Exhibit-133 for<br/>10 identification.)<br/>11 ---<br/>12 BY MS. SMITH:<br/>13 Q. This one also has a stamp on the first<br/>14 page, correct?<br/>15 A. Yes.<br/>16 Q. Received March 1, 2021, human resources,<br/>17 correct?<br/>18 A. Yes.<br/>19 Q. Okay.<br/>20 I know these are out of consecutive<br/>21 Bates stamp order, but based off of the fax<br/>22 information at the top, this is how it appears to<br/>23 be -- had been received. Am I correct in how I<br/>24 constructed this?</p>                                                                                                                                                            | <p>Page 358</p> <p>1 2? Was it a phone, did you send her an e-mail,<br/>2 text --<br/>3 A. I believe I did make a phone call, as<br/>4 well as I think I sent an e-mail as well, I think.<br/>5 But I know I reached out to her and then I believe<br/>6 I got an e-mail response back from Jane Doe 3<br/>7 indicating that I was to review the information<br/>8 with her, I believe that was the way it<br/>9 transpired.<br/>10 Q. Did you ever speak with Jane Doe 3?<br/>11 A. I believe we communicated via e-mail.<br/>12 Q. And what did you communicate about?<br/>13 A. I don't exactly recall the discussion.<br/>14 Q. So then is it fair that you never spoke<br/>15 with Jane Doe 2?<br/>16 A. I attempted to, but I don't believe I<br/>17 actually physically spoke to Jane Doe 2. I<br/>18 believe I did have a written communication with<br/>19 her because I believe we did seek additional<br/>20 clarification on her statement that was provided<br/>21 from her physician.<br/>22 Q. You understand that the interactive<br/>23 process is between the employer and the employee,<br/>24 correct?</p> |
| <p>Page 357</p> <p>1 A. Are you -- are you asking that -- this<br/>2 is Page 2, this is Page 3, this is Page 4?<br/>3 Q. Well, this one -- see how this Bates<br/>4 stamp is 291 and then it goes to 288, which<br/>5 obviously are not in consecutive numbering order.<br/>6 But if you look to the top, there's a fax<br/>7 information and it all appears the same. And it's<br/>8 a one of four and it's a two of four.<br/>9 Is this how it was received?<br/>10 A. Yes. I would believe so, yes.<br/>11 Q. Okay.<br/>12 Did you review this physician's medical<br/>13 review form?<br/>14 A. Yes.<br/>15 Q. After are you received and reviewed it,<br/>16 did you speak with anyone?<br/>17 A. I attempted to speak with Jane Doe 2 and<br/>18 I believe that I was informed by Jane Doe 3 that I<br/>19 would have to speak with her regarding the<br/>20 request, not Jane Doe 2.<br/>21 Q. Her meaning Jane Doe 3?<br/>22 A. Yes.<br/>23 Q. Okay.<br/>24 How did you attempt to speak to Jane Doe</p> | <p>Page 359</p> <p>1 A. Yes.<br/>2 Q. But the information needed for the<br/>3 interactive process comes from the physician or at<br/>4 least part of it does, correct?<br/>5 A. Yes.<br/>6 Q. What's your understanding generally<br/>7 or -- let's start with generally, as it relates to<br/>8 employers reaching out to physicians or going<br/>9 through employees for medical information?<br/>10 A. So typically we would go to the employee<br/>11 and ask them to obtain the additional information,<br/>12 that's typically the process. We would provide<br/>13 that information to them saying, you know, we have<br/>14 a question about this, can you get further<br/>15 clarification or something to that effect.<br/>16 Q. And so an employee can just bring you<br/>17 any document, altered, not altered, directly --<br/>18 MS. PIPAK: Objection to the form.<br/>19 You can --<br/>20 BY MS. SMITH:<br/>21 Q. -- to human resources?<br/>22 A. Well, I wouldn't believe they bring<br/>23 altered documents. I mean, typically we get<br/>24 faxes. We get official forms from doctors</p>                |



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| <p>Page 360</p> <p>1 directly that are signed by the doctor, so I am<br/>2 not...</p> <p>3 Q. I'm just confused why the county doesn't<br/>4 reach directly out to medical providers to make<br/>5 sure that it is, in fact, the medical provider who<br/>6 provides the information?</p> <p>7 A. Well, I had no belief to -- I have no<br/>8 reason to believe that the doctor that signed off<br/>9 on it isn't legitimate.</p> <p>10 Q. Okay.</p> <p>11 Did you in your conversations or<br/>12 communications with Jane Doe 3 ever ask her if she<br/>13 thought Jane Doe 2's request or Jane Doe 2's<br/>14 medical provider's request was -- should be<br/>15 approved?</p> <p>16 A. I don't recall my specific conversations<br/>17 with Jane Doe 3.</p> <p>18 Q. Other than Jane Doe 3 and attempting to<br/>19 speak with Jane Doe 2, did you speak with anyone<br/>20 else regarding this physician medical review form?</p> <p>21 A. Yes. I believe I advised Mr. Bender<br/>22 that we received the request, as well as spoke<br/>23 with my attorney, Tom Heinbach, regarding the<br/>24 request.</p> | <p>Page 362</p> <p>1 Was Ms. Kutzler still providing<br/>2 consultation to the county regarding human<br/>3 resources issues?</p> <p>4 A. Yes.</p> <p>5 Q. You were, in fact, or had been the human<br/>6 resources director just shy of two months at this<br/>7 point, correct?</p> <p>8 A. Yes.</p> <p>9 Q. And I don't know, refresh my<br/>10 recollection, your resume, you have like 28 years<br/>11 of human resources experience, is that --</p> <p>12 A. Twenty.</p> <p>13 Q. Twenty. Okay. Sorry. I didn't mean to<br/>14 make you older. I was just trying to remember the<br/>15 number.</p> <p>16 Why did you feel the need to have Doreen<br/>17 Kutzler review correspondence you were going to<br/>18 send to Jane Doe 2?</p> <p>19 A. Just to get an extra set of eyes on the<br/>20 correspondence. I just thought it was appropriate<br/>21 to ask for her thoughts on it.</p> <p>22 Q. Okay.</p> <p>23 She makes an adjustment to No. 4 and<br/>24 otherwise says it's good to go, correct?</p> |
| <p>Page 361</p> <p>1 Q. Again, similar to Jane Doe 1, were those<br/>2 conversations separate, the ones with Bender and<br/>3 Tom Heinbach?</p> <p>4 A. Yes, typically they would be.</p> <p>5 Q. Okay.</p> <p>6 What did Ms. Bend -- Mr. Bender tell<br/>7 you, if anything, to do in regards to it?</p> <p>8 A. That we needed to review it with<br/>9 Mr. Heinbach to get his guidance on how to<br/>10 proceed.</p> <p>11 MS. SMITH: I'm going to mark as<br/>12 134, Zula 555 and 556.</p> <p>13 ---</p> <p>14 (Zula 555-556 marked as Exhibit-134 for<br/>15 identification.)</p> <p>16 ---</p> <p>17 BY MS. SMITH:</p> <p>18 Q. Do you recognize this e-mail<br/>19 correspondence?</p> <p>20 A. Yes.</p> <p>21 Q. Do you recall reaching out to Ms.<br/>22 Kutzler regarding --</p> <p>23 A. Apparently I did, based upon this, yes.</p> <p>24 Q. Okay.</p>                                                                                                                                                                                                                                                | <p>Page 363</p> <p>1 A. Yes.</p> <p>2 Q. And did that correspondence go out to<br/>3 Jane Doe 2?</p> <p>4 A. I believe so.</p> <p>5 MS. SMITH: All right. We'll mark<br/>6 as 135, it's Zula 571 to 573.</p> <p>7 ---</p> <p>8 (Zula 571-573 marked as Exhibit-135 for<br/>9 identification.)</p> <p>10 ---</p> <p>11 BY MS. SMITH:</p> <p>12 Q. Do you recognize this e-mail chain?</p> <p>13 A. Yes.</p> <p>14 Q. Okay.</p> <p>15 So on March 3rd, you, in fact, send that<br/>16 draft correspondence from the previous e-mail with<br/>17 Ms. Kutzler that we looked at, to Jane Doe 2,<br/>18 correct?</p> <p>19 A. Yes.</p> <p>20 Q. And then Jane Doe 3 -- Jane Doe 3 is not<br/>21 CC'ed on that, correct?</p> <p>22 A. No.</p> <p>23 Q. Jane Doe 3 reaches out to you on<br/>24 March 3rd, a little bit later in the day, correct?</p>                                                                                                                                                                      |

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| <p style="text-align: right;">Page 364</p> <p>1 A. Yes.</p> <p>2 Q. Is that that communication you had with</p> <p>3 Jane Doe 3 that you were referring to earlier?</p> <p>4 A. I believe so, yes.</p> <p>5 Q. Okay.</p> <p>6 Jane Doe 3, in fact, asked why she isn't</p> <p>7 being included on communications being she's Jane</p> <p>8 Doe 1 and Jane Doe 2's direct supervisor; would</p> <p>9 you agree?</p> <p>10 A. Yes, she did ask that question.</p> <p>11 Q. And if we look to Page 1 of this</p> <p>12 document, you write: The interactive process of</p> <p>13 ADA is between the employer and the individual</p> <p>14 employee. I will be engaging in the interactive</p> <p>15 process on behalf of the employer. If I should</p> <p>16 require additional information or clarification</p> <p>17 from you as the department head, I will contact</p> <p>18 you directly to discuss.</p> <p>19 Did you ever contact Jane Doe 3 to</p> <p>20 discuss?</p> <p>21 A. Not to my knowledge.</p> <p>22 Q. Did you ever require any additional</p> <p>23 information or clarification from her?</p> <p>24 A. Not to my knowledge.</p> | <p style="text-align: right;">Page 366</p> <p>1 Bates stamps are not consecutive. Obviously 886</p> <p>2 comes after 292.</p> <p>3 But it talks about -- this e-mail talks</p> <p>4 about Dr. Michael Bradley's response and there is</p> <p>5 an attachment. Is that response and the</p> <p>6 attachment 292 and 293; am I correct?</p> <p>7 A. Yes, I believe so.</p> <p>8 Q. Okay.</p> <p>9 Sorry, it's just how they were produced</p> <p>10 to me, so I am trying to piece them together and</p> <p>11 make sure that my assumptions are right.</p> <p>12 So someone named Desiree reached out or</p> <p>13 sent you what is 292 and 293 on April 1st of 2021,</p> <p>14 correct?</p> <p>15 A. Yes.</p> <p>16 Q. And the 292 and 293, is a Dr. Michael</p> <p>17 Bradley's response to those -- that request or</p> <p>18 those requests for additional information,</p> <p>19 clarification that you sent to Jane Doe 2 on</p> <p>20 March 3rd, correct?</p> <p>21 A. Yes.</p> <p>22 Q. All right.</p> <p>23 This -- you were the only individual who</p> <p>24 is on the e-mail, so you did receive it, correct?</p> |
| <p style="text-align: right;">Page 365</p> <p>1 Q. Did anyone instruct you to exclude Jane</p> <p>2 Doe 3 from the interactive process?</p> <p>3 A. No.</p> <p>4 Q. It was a decision you made on your own?</p> <p>5 A. Yes. Well -- and I don't believe I</p> <p>6 excluded her. I engaged in the process with the</p> <p>7 employee. And as I indicated, would touch base</p> <p>8 with Jane Doe 3 if I needed any additional</p> <p>9 information.</p> <p>10 Q. But she wasn't included?</p> <p>11 A. No, she wasn't.</p> <p>12 Q. And that was a decision that was yours</p> <p>13 and yours alone?</p> <p>14 A. Yeah. I sent the e-mail and only sent</p> <p>15 it to Jane Doe 2.</p> <p>16 MS. SMITH: Going to mark 29 -- I'm</p> <p>17 sorry. 886 and then 292 and 293 Zula, as 136.</p> <p>18 - - -</p> <p>19 (Zula 886, 292-293 marked as Exhibit-136</p> <p>20 for identification.)</p> <p>21 - - -</p> <p>22 BY MS. SMITH:</p> <p>23 Q. The first question I have about these</p> <p>24 is -- so, like, the other ones we looked at, the</p>                                                                                          | <p style="text-align: right;">Page 367</p> <p>1 A. Yes, I believe I did receive it.</p> <p>2 Q. Did you review this document?</p> <p>3 A. Yes.</p> <p>4 Q. After reviewing this document, what, if</p> <p>5 anything, did you do?</p> <p>6 A. I consulted with my attorney regarding</p> <p>7 the next steps of the process.</p> <p>8 Q. Did you consult with Defendant Bender?</p> <p>9 A. I believe after the fact, yes.</p> <p>10 Q. So you consulted with your attorney and</p> <p>11 then after that, you consulted with Defendant</p> <p>12 Bender?</p> <p>13 A. Yes.</p> <p>14 Q. Was your attorney present in the</p> <p>15 consultation with Defendant Bender?</p> <p>16 A. That I don't recall.</p> <p>17 Q. Okay.</p> <p>18 What, if anything, did Bender tell you?</p> <p>19 A. Again, we discussed the request to work</p> <p>20 from home. And, again, the request was not</p> <p>21 permitted.</p> <p>22 Q. What, if anything, other than this</p> <p>23 letter, did you consider in that denial, post</p> <p>24 receipt of this letter? So you get this letter,</p>                                          |

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| <p>Page 368</p> <p>1 the request is then denied. Is there anything<br/>2 else that is considered during that time period?<br/>3 MS. PIPAK: I'll object to the<br/>4 form.<br/>5 But go ahead.<br/>6 THE WITNESS: I'm not following<br/>7 what you're asking. So I received this letter.<br/>8 BY MS. SMITH:<br/>9 Q. Yup.<br/>10 This letter you got on April 1st --<br/>11 A. Okay.<br/>12 Q. -- in the e-mail. And then again it's<br/>13 decided that the work from home request is still<br/>14 not approved, correct?<br/>15 A. Yes.<br/>16 Q. Did you consider anything other than<br/>17 this letter in that then denial or non-approval<br/>18 from the work from home request?<br/>19 A. And again, we also considered the<br/>20 previous history regarding the working from home<br/>21 product, yes.<br/>22 Q. Okay. All right.<br/>23 So going now to March of 2021, we<br/>24 started to talk about it briefly. At that time,</p>                                        | <p>Page 370</p> <p>1 Q. Did he give a reason?<br/>2 A. I believe there were discussions again<br/>3 with our attorney, as well as Mr. Bender, based<br/>4 upon -- we needed -- the belief was that we needed<br/>5 to have someone who was familiar with the<br/>6 operations in the chief assessor position -- or<br/>7 the tax assessment office, so it was decided to<br/>8 leave Jane Doe 4 there as we were planning to<br/>9 bring on Mr. Alu and --<br/>10 Q. So correct -- wait. So I just want to<br/>11 make sure I understood your testimony correctly.<br/>12 The decision was that because Jane Doe 4<br/>13 had assessment knowledge, she should remain in the<br/>14 assessment office?<br/>15 A. Well, she was the second in the chain of<br/>16 command there. So it was believed that Jane Doe<br/>17 3, when she served as the director of tax claim,<br/>18 that, you know, the office ran well. And we<br/>19 already had the discussions about Mr. Alu coming<br/>20 in to evaluate the office and review information.<br/>21 So it was determined to put Jane Doe 3 back in the<br/>22 tax assessment of -- or tax claim office, excuse<br/>23 me, and leave Jane Doe 4 in the tax assessment<br/>24 office, so that there would be somebody there who</p> |
| <p>Page 369</p> <p>1 Jane Doe 3 and Jane Doe 4 were, in fact, demoted,<br/>2 correct?<br/>3 A. Yes.<br/>4 Q. Jane Doe 3 lost her title of chief<br/>5 assessor and became tax claim director only,<br/>6 correct?<br/>7 A. Yes.<br/>8 Q. Jane Doe 4 lost her title of assistant<br/>9 tax claim director and became the assistant or<br/>10 deputy chief assessor, correct?<br/>11 A. Yes.<br/>12 Q. Not asking who voted on them, because I<br/>13 know ultimately it had to be voted on by the<br/>14 commissioners, correct?<br/>15 A. Yes.<br/>16 Q. Who made the decision that those -- not<br/>17 about the demotion, because I know you said it was<br/>18 kind of a collective decision, but who decided<br/>19 that Jane Doe 1 was going -- I'm sorry. Jane Doe<br/>20 3 was going to say in tax claim and Jane Doe 4 was<br/>21 going to go to tax assessment or stay in tax<br/>22 assessment?<br/>23 A. That was -- that recommendation was made<br/>24 by Mr. Bender.</p> | <p>Page 371</p> <p>1 had some knowledge of what was going on in the<br/>2 office during the time frame that they served as<br/>3 the supervisors.<br/>4 Q. Were you aware that prior to Jane Doe 4<br/>5 taking on the job of assistant or deputy chief<br/>6 assessor in tax claim -- I'm sorry -- in<br/>7 assessment, that she had served for a number of<br/>8 years in the tax claim bureau only?<br/>9 A. Yes.<br/>10 Q. Did you know that Jane Doe 4, in March<br/>11 of 2021, did not hold a CPE license?<br/>12 A. Yes, I was aware of that.<br/>13 Q. Did you know that Ms. Jane Doe 3 did, in<br/>14 fact, hold a CPE license?<br/>15 A. Yes.<br/>16 Q. Are you aware of the difficulty of<br/>17 getting a CPE license?<br/>18 A. I'm familiar with the process, yes.<br/>19 Q. It's --<br/>20 A. I don't know of the difficulty because<br/>21 I've never sat through the exam, so I don't know.<br/>22 And my difficult versus somebody else's difficult<br/>23 is potentially two different things.<br/>24 Q. With that said, let me ask a better</p>                                                                                                                                                                                                              |

| Page 372                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                               | Page 374                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                       |
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| <p>1 question.</p> <p>2 What I meant was, are you -- applicants</p> <p>3 for employment with the county with CPE licenses</p> <p>4 are far and few between; would you agree?</p> <p>5 A. Yes, because it is such a specialized</p> <p>6 certification that only applies to tax assessment</p> <p>7 offices and counties. And so unless you're hiring</p> <p>8 someone from another county who already has the</p> <p>9 CPE, yes, there needs to be a time frame in which</p> <p>10 the person can get their license.</p> <p>11 Q. And, again, I think we established this</p> <p>12 earlier, by statute, a chief assessor must hold a</p> <p>13 CPE license, correct?</p> <p>14 A. That's my understanding, yes.</p> <p>15 Q. While a deputy chief assessor has a</p> <p>16 grace period to obtain their CPE license, correct?</p> <p>17 A. I don't know if -- I'm not sure of what</p> <p>18 the grace period is and I'm not sure if it even</p> <p>19 applies to the chief assessor. But in order for</p> <p>20 somebody to value or -- and I don't know, this may</p> <p>21 be the wrong term, but to approve the valuations</p> <p>22 of the properties, they have to have a CPE</p> <p>23 licensed. And so, yes, that typically the chief</p> <p>24 assessor would have to have that license.</p> | <p>1 don't know if I am using the right terminology,</p> <p>2 but my understanding is the person has to be</p> <p>3 certified in order to sign off on those values</p> <p>4 that are given to the properties based upon the</p> <p>5 assessments that are done.</p> <p>6 Q. So what --</p> <p>7 A. Or the reviews of the property or</p> <p>8 whatever they're called.</p> <p>9 Q. If values of properties are not -- if</p> <p>10 the assessed values of properties are not signed</p> <p>11 off on, what happens? Like, so if STEB reports</p> <p>12 aren't submitted, it has ramifications for taxing</p> <p>13 bodies. If assessed properties are not signed off</p> <p>14 on, what -- what are, if any, the ramifications?</p> <p>15 A. I don't know.</p> <p>16 Q. Okay.</p> <p>17 Is it possibly that then taxes on that</p> <p>18 newly assessed value can't be recovered?</p> <p>19 A. I don't know.</p> <p>20 Q. Okay.</p> <p>21 In any event, would it be fair to say</p> <p>22 that if a assessor -- well, strike that.</p> <p>23 Let's start with this: Are you aware</p> <p>24 that there are only certain times of year -- of</p>                                                                                |
| Page 373                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                               | Page 375                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                       |
| <p>1 Q. Right.</p> <p>2 So at the time they're hired, they have</p> <p>3 to hold it, right?</p> <p>4 A. I don't know if it's at the time that</p> <p>5 they hold it, but there has to be somebody in the</p> <p>6 county that can, like, sign off and approve those</p> <p>7 valuations who has that license.</p> <p>8 Q. Okay.</p> <p>9 So --</p> <p>10 A. And I am not certain if they have to</p> <p>11 hold it when they get there or they don't, I don't</p> <p>12 know that. I don't believe, no, because</p> <p>13 Mr. Hatter did not have his either when we hired</p> <p>14 him.</p> <p>15 Q. Okay.</p> <p>16 So they have the sign off -- the reason</p> <p>17 they have to have the CPE license is because they</p> <p>18 have to sign off on valuations?</p> <p>19 A. Yeah, of properties, is my</p> <p>20 understanding.</p> <p>21 Q. Is that in connection with the STEB</p> <p>22 reports, is that where the valuations are?</p> <p>23 A. No. I am talking about with the</p> <p>24 assessed values of the properties. Like -- and I</p>                                                                                                                                                                                                                                                | <p>1 year that the CPE class and licensing tests are</p> <p>2 offered?</p> <p>3 A. I know that there's classes that are</p> <p>4 offered. I don't know how often they are or when</p> <p>5 the test is offered, that I don't know.</p> <p>6 Q. Okay.</p> <p>7 If a chief assessor came on by statue,</p> <p>8 which I don't believe it is, but if a chief</p> <p>9 assessor came on and did not have a valid CPE</p> <p>10 license, waiting -- having to wait in order to get</p> <p>11 that CPE license could cause some disruptions to</p> <p>12 the operations of the tax assessment office,</p> <p>13 correct?</p> <p>14 A. Yes. A plan would have to be put in</p> <p>15 place for somebody who has the appropriate CPE</p> <p>16 license to kind of serve in that role.</p> <p>17 Q. At the time Jane Doe 3 was demoted and</p> <p>18 removed from her position of chief assessor, was</p> <p>19 there a plan in place as to who would replace her?</p> <p>20 A. Not the specific employee, no. The plan</p> <p>21 was that we were going to look to bring Mr. Alu on</p> <p>22 board to serve in that capacity.</p> <p>23 Q. Why then wasn't Mr. Alu brought on</p> <p>24 immediately after Jane Doe 3 was demoted?</p> |



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| <p style="text-align: right;">Page 376</p> <p>1 A. There was some discussion about how we</p> <p>2 were going to employee him, about whether he would</p> <p>3 be an actual employee of the county versus a</p> <p>4 contractor. And so we worked -- had to work out</p> <p>5 those issues and it was ultimately then put on as</p> <p>6 a contracted employee.</p> <p>7 Q. Why weren't those issues ironed out</p> <p>8 before Jane Doe 3 was demoted?</p> <p>9 A. I don't know.</p> <p>10 Q. Do you think that Jane Doe 3 being</p> <p>11 demoted was so pressing that those issues couldn't</p> <p>12 be ironed out before she was demoted?</p> <p>13 MS. PIPAK: Object to the form.</p> <p>14 Go ahead.</p> <p>15 THE WITNESS: No, I don't -- I</p> <p>16 don't believe that they were pressing at that</p> <p>17 point. I don't -- I don't believe so.</p> <p>18 BY MS. SMITH:</p> <p>19 Q. Do you think that Jane Doe 3's actions</p> <p>20 were so detrimental to the assessment office that</p> <p>21 leaving the assessment office without a chief</p> <p>22 assessor for a period of time or without an</p> <p>23 individual overseeing it with a CPE license was a</p> <p>24 better move?</p> | <p style="text-align: right;">Page 378</p> <p>1 Go ahead.</p> <p>2 THE WITNESS: I'm sorry. I don't</p> <p>3 think it was pushed through quickly. As I said,</p> <p>4 there was a lot of discussion. We met back in</p> <p>5 February with Jane Doe 3 and Jane Doe 4 to talk</p> <p>6 about the office. And, I mean, I prepared the</p> <p>7 memo, so it was quite some time since, so those</p> <p>8 discussions were ongoing for quite some time.</p> <p>9 BY MS. SMITH:</p> <p>10 Q. Okay.</p> <p>11 Well, who pushed for Jane Doe 3's</p> <p>12 demotion without having a replacement chief</p> <p>13 assessor or supervisor with a CPE license in</p> <p>14 place?</p> <p>15 MS. PIPAK: Objection.</p> <p>16 Go ahead.</p> <p>17 THE WITNESS: So we -- after much</p> <p>18 discussions, it was decided and I was directed to</p> <p>19 put the PARs into separate the two positions, as</p> <p>20 that was -- so we were going to separate the two</p> <p>21 positions. And as a result of that, we placed</p> <p>22 Jane Doe 3 in one and Jane Doe 4 in another</p> <p>23 office.</p> <p>24 BY MS. SMITH:</p> |
| <p style="text-align: right;">Page 377</p> <p>1 MS. PIPAK: Object to the form.</p> <p>2 Go ahead.</p> <p>3 THE WITNESS: So based upon the</p> <p>4 decisions that were made by the people that I</p> <p>5 report to, we made the transition that specified</p> <p>6 date and time.</p> <p>7 BY MS. SMITH:</p> <p>8 Q. Okay.</p> <p>9 I'm asking you if you thought it was a</p> <p>10 smart decision?</p> <p>11 MS. PIPAK: Object to the form.</p> <p>12 Go ahead.</p> <p>13 THE WITNESS: I mean, I think it</p> <p>14 would probably have been a little better to have a</p> <p>15 plan, a fully worked out plan in place, but we</p> <p>16 didn't at that point in time. I know we had</p> <p>17 discussions with Mr. Alu to bring him on board.</p> <p>18 Unfortunately that process didn't go as quickly as</p> <p>19 planned.</p> <p>20 BY MS. SMITH:</p> <p>21 Q. Who pushed this decision through so</p> <p>22 quickly?</p> <p>23 A. I don't think --</p> <p>24 MS. PIPAK: Object to the form.</p>                                                                                                                                                                                                | <p style="text-align: right;">Page 379</p> <p>1 Q. Who decided that and directed those</p> <p>2 PARs?</p> <p>3 A. Mr. Bender.</p> <p>4 Q. Did you ever say to Mr. Bender, hey,</p> <p>5 maybe we should have a replacement in line?</p> <p>6 A. No.</p> <p>7 MS. PIPAK: Object to the form.</p> <p>8 Go ahead.</p> <p>9 BY MS. SMITH:</p> <p>10 Q. Did you ever say to Mr. Bender, hey,</p> <p>11 maybe we should bring a consultant on so Jane Doe</p> <p>12 3 can get them up to speed on what she's been</p> <p>13 doing and then he can transition from there?</p> <p>14 MS. PIPAK: Object to the form.</p> <p>15 Go ahead.</p> <p>16 THE WITNESS: No. I believe that's</p> <p>17 why the decision was made to leave Jane Doe 4 in</p> <p>18 the office.</p> <p>19 BY MS. SMITH:</p> <p>20 Q. Well, Jane Doe 4 didn't hold a valid CPE</p> <p>21 license, did she?</p> <p>22 A. That's correct.</p> <p>23 Q. And Jane Doe 4 had a wealth of knowledge</p> <p>24 for the tax claim bureau, correct?</p>                                                                                                          |



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| <p style="text-align: right;">Page 380</p> <p>1 A. Yes.</p> <p>2 Q. And so she could assist the new tax</p> <p>3 claim director in the tax claim bureau if she had</p> <p>4 been placed there, correct?</p> <p>5 A. Yes, she could.</p> <p>6 Q. And Jane Doe 3 could have -- maybe if</p> <p>7 she was -- well, strike that.</p> <p>8 Jane Doe 3, to your knowledge, was</p> <p>9 running the assessment office efficiently except</p> <p>10 for the STEB reports, correct?</p> <p>11 A. I -- as I said, I'm not thoroughly</p> <p>12 familiar with all of the operations, but my focus</p> <p>13 was the STEB reports, but there were other issues</p> <p>14 that were beyond what I was involved in.</p> <p>15 Q. So couldn't Jane Doe 3 have been left as</p> <p>16 the chief assessor, move Jane Doe 4 to the</p> <p>17 assistant director or director of tax claim, and</p> <p>18 then provided Jane Doe 3 with, instead of an</p> <p>19 assistant chief assessor, deputy chief assessor</p> <p>20 with a consultant to rectify the issues as you saw</p> <p>21 them in the assessment office?</p> <p>22 MS. PIPAK: I'll object to the</p> <p>23 form.</p> <p>24 Go ahead.</p> | <p style="text-align: right;">Page 382</p> <p>1 - - -</p> <p>2 (Whereupon, brief recess was held off the</p> <p>3 record.)</p> <p>4 - - -</p> <p>5 VIDEOGRAPHER: Time now 5:38 p.m.</p> <p>6 and we're back on the record.</p> <p>7 BY MS. SMITH:</p> <p>8 Q. Ms. Zula, we were earlier discussing the</p> <p>9 discussions about the restructuring of the tax</p> <p>10 claim and tax assessment offices.</p> <p>11 Was Mr. Heinbach involved in those</p> <p>12 discussions?</p> <p>13 A. Yes.</p> <p>14 Q. And did Mr. Heinbach give legal advice</p> <p>15 during those?</p> <p>16 A. I would say yes.</p> <p>17 Q. Okay.</p> <p>18 What was that legal advice?</p> <p>19 MS. PIPAK: I am going to object on</p> <p>20 attorney-client privilege.</p> <p>21 MS. SMITH: Are you reserving the</p> <p>22 right to assert the defense -- the advice of</p> <p>23 counsel defense at trial or are you waiving it?</p> <p>24 MS. PIPAK: I'm sorry. On the --</p>                                                                                                                                                                                                                             |
| <p style="text-align: right;">Page 381</p> <p>1 THE WITNESS: Yes, that could have</p> <p>2 been an option.</p> <p>3 BY MS. SMITH:</p> <p>4 Q. Did anybody during your employment say,</p> <p>5 hey, what did we spend all that money on Joan</p> <p>6 Price for if she was supposed to consult with the</p> <p>7 tax assessment office?</p> <p>8 MS. PIPAK: Object to the form.</p> <p>9 THE WITNESS: That was never a</p> <p>10 discussion with me.</p> <p>11 BY MS. SMITH:</p> <p>12 Q. Did you ever find out or hear that</p> <p>13 Mr. -- Ms. Price got paid \$250 an hour to consult</p> <p>14 with the assessment office?</p> <p>15 A. No, I'm not aware of that.</p> <p>16 MS. SMITH: Mark as 67 -- I'm</p> <p>17 sorry. I am going to mark 673 and 674 as 137.</p> <p>18 - - -</p> <p>19 (Zula 673-674 marked as Exhibit-137 for</p> <p>20 identification.)</p> <p>21 MR. LEES: Off the record for a</p> <p>22 minute.</p> <p>23 VIDEOGRAPHER: The time is now</p> <p>24 5:30 p.m., we are going off the video record.</p>                                                                                                                                                  | <p style="text-align: right;">Page 383</p> <p>1 MS. SMITH: The advice -- are you</p> <p>2 reserving the right to assert the advice of</p> <p>3 counsel defense at trial or are you waiving it?</p> <p>4 MS. PIPAK: Well, we are not</p> <p>5 waiving anything. But for the purpose of</p> <p>6 depositions, she's not going to answer this</p> <p>7 question. We can brief this.</p> <p>8 MS. SMITH: Okay. So you're --</p> <p>9 you're waiving -- you're not waiving the defense,</p> <p>10 correct?</p> <p>11 MS. PIPAK: No, I'm not waiving the</p> <p>12 defense. I don't believe we -- I don't think that</p> <p>13 was -- I don't think that was our answer. I don't</p> <p>14 think we raised that defense in the answer.</p> <p>15 MS. SMITH: It's not an affirmative</p> <p>16 defense. I am asking if you're waiving the right</p> <p>17 to bring in the advice of counsel defense at</p> <p>18 trial.</p> <p>19 MS. PIPAK: Catherine, I think this</p> <p>20 is inappropriate. I just think this is an</p> <p>21 inappropriate line of questioning.</p> <p>22 MS. SMITH: I'm asking you simply</p> <p>23 as her attorney, are you waiving or asserting that</p> <p>24 right?</p> |

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| <p>Page 384</p> <p>1 MS. PIPAK: I'm not waiving<br/>2 anything. I will say right now, we do not have<br/>3 a -- a defense of advice of counsel.<br/>4 MS. TOWNSEND: I missed the<br/>5 question. The question was about --<br/>6 MS. SMITH: Did he provide legal<br/>7 advice.<br/>8 MS. TOWNSEND: About what?<br/>9 MS. SMITH: About the tax<br/>10 assessment office division.<br/>11 MS. TOWNSEND: So are you going to<br/>12 reserve the right to introduce evidence that they<br/>13 made this decision based on the advice of counsel?<br/>14 MS. PIPAK: For the purpose of?<br/>15 MS. TOWNSEND: Anything. Like<br/>16 bring up -- are you reserving the right to bring<br/>17 into trial evidence that counsel was consulted<br/>18 before making this decision?<br/>19 MR. GEIGER: Doesn't it matter who<br/>20 made the decision, because she's not the decision<br/>21 maker.<br/>22 MS. PIPAK: So as for this witness,<br/>23 I --<br/>24 MR. GEIGER: She would not rely on</p>                                                                                                                                 | <p>Page 386</p> <p>1 MS. PIPAK: I would say it's --<br/>2 that's actually the opposite of the position.<br/>3 MS. TOWNSEND: So I just don't want<br/>4 to be in a position where we get to trial and<br/>5 testimony comes in that a lawyer was consulted<br/>6 before making this decision and we were precluded<br/>7 because of your objection and instruction not<br/>8 to -- to the witness not to answer from finding<br/>9 out what those communications were with counsel.<br/>10 If you're prepared to say all references to<br/>11 consultations with attorneys will not be<br/>12 introduced as evidence at trial, then -- then I<br/>13 guess that answers the question.<br/>14 MS. PIPAK: Okay. Then we're going<br/>15 to have to stop for tonight and we can bring this<br/>16 up tomorrow and we can go back on the record for<br/>17 23 minutes. I mean, I'm not making that decision<br/>18 here.<br/>19 MS. TOWNSEND: Well, I mean, you<br/>20 can -- we can --<br/>21 MS. SMITH: Yeah, we still have<br/>22 tomorrow. Yeah, I'll -- we'll reserve the right,<br/>23 all parties will reserve the right to revisit that<br/>24 issue tomorrow. I -- there's plenty of other</p> |
| <p>Page 385</p> <p>1 the advice of legal counsel because she made no<br/>2 decision.<br/>3 MS. TOWNSEND: I don't think that<br/>4 you can bring into evidence that -- you know,<br/>5 implying that you complied with the law because<br/>6 you spoke with an attorney before making a<br/>7 decision and then prevent us from questioning<br/>8 about what that communication was with the<br/>9 attorney.<br/>10 MS. PIPAK: As on this -- as to<br/>11 this retaliation claim. I mean --<br/>12 MS. TOWNSEND: So you're asking --<br/>13 the question here is about the restructuring?<br/>14 MS. SMITH: Correct.<br/>15 MS. TOWNSEND: Okay. So if you<br/>16 brought into evidence at trial --<br/>17 MS. PIPAK: I understand that. And<br/>18 as of right now, we do not have an advice of<br/>19 counsel defense as to this retaliation claim. But<br/>20 I'm not waiving anything at this point.<br/>21 MS. SMITH: Well, at the moment of<br/>22 this deposition then, if you're -- if don't have<br/>23 the advice from counsel, then I'm permitted to ask<br/>24 her those questions. Unless you assert that --</p> | <p>Page 387</p> <p>1 questions I can ask to get us through tonight.<br/>2 I am going to mark as 137, Zula 673<br/>3 to 674.<br/>4 BY MS. SMITH:<br/>5 Q. Do you remember this e-mail chain?<br/>6 A. Yes.<br/>7 Q. And is this March 11th e-mail from you<br/>8 to Jane Doe 3, a request to meet with her to<br/>9 discuss what would eventually be the division of<br/>10 the offices?<br/>11 A. Yes.<br/>12 Q. Okay.<br/>13 Jane Doe 3 replies to you that she's off<br/>14 tomorrow and Jane Doe 4 had a death in the family,<br/>15 so she's not available either, correct?<br/>16 A. Yes.<br/>17 Q. Do you recall when -- strike that.<br/>18 On March 11th when you sent the e-mail<br/>19 to Jane Doe 3, did you know Jane Doe 4 was off on<br/>20 bereavement leave for the death of her brother?<br/>21 A. No, I did not know that.<br/>22 Q. Okay.<br/>23 But did learn it on March 11th at 4:38,<br/>24 correct?</p>                                                                                                                                                                                                                                                                    |

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| <p>Page 388</p> <p>1 A. I knew she had a death in the family, I<br/>2 am not exactly sure who it was.<br/>3 Q. Okay.<br/>4 Jane Doe 3 -- okay. In your response to<br/>5 Jane Doe 3 you indicate that even though Jane Doe<br/>6 4 was off, it didn't matter because Jane Doe<br/>7 4's attendance at the meeting would not be<br/>8 appropriate.<br/>9 Do you see that?<br/>10 A. Yes.<br/>11 Q. Why did you think that Jane Doe<br/>12 4's attendance at the meeting wouldn't be<br/>13 appropriate?<br/>14 A. Because we were going to discuss Jane<br/>15 Doe 3's action that was going to be recommended to<br/>16 the board.<br/>17 Q. Well, Jane Doe 4's demotion was also<br/>18 going to be recommended to the board, correct?<br/>19 A. Yes.<br/>20 Q. And moving one to one office and one to<br/>21 the other office was going to impact each of --<br/>22 A. We were going to meet with them<br/>23 separately, not together.<br/>24 Q. Well, if Jane Doe 3 wanted someone</p>                                                                       | <p>Page 390</p> <p>1 Mr. Heinbach, as our counsel, regarding other<br/>2 issues that occurred.<br/>3 Q. Do you know if those were before or<br/>4 after this?<br/>5 A. They were after this.<br/>6 Q. Okay.<br/>7 So given his previous advice, you on<br/>8 this case, made your own decision to deny her<br/>9 request?<br/>10 A. Yes.<br/>11 MS. SMITH: Okay. Going to mark as<br/>12 138, it's Zula 685 to 687.<br/>13 ---<br/>14 (Zula 685-687 marked as Exhibit-138 for<br/>15 identification.)<br/>16 ---<br/>17 BY MS. SMITH:<br/>18 Q. This is a further chain of these<br/>19 e-mails, correct?<br/>20 A. Yes.<br/>21 Q. Jane Doe 3, on Page 2 of this document,<br/>22 indicates to you that she and Jane Doe 4 learned<br/>23 of recent retaliatory behavior that the county<br/>24 administration has been planning to use against</p>                                                                                                                                                                                                                                                                                                     |
| <p>Page 389</p> <p>1 present there, why was she denied that right?<br/>2 A. We just did not feel it was appropriate.<br/>3 Q. Who is we?<br/>4 A. Well, I didn't feel it was appropriate.<br/>5 She's not a union-represented employee, and so<br/>6 we -- I made the decision that Jane Doe 4 did not<br/>7 have to attend her meeting.<br/>8 Q. Well, having to attend a meeting is<br/>9 different than being able to, correct?<br/>10 A. Yes.<br/>11 Q. And is there any county policy that says<br/>12 that when an individual employee meets with HR<br/>13 that they can't have a witness present?<br/>14 A. No. But there's no county policy says<br/>15 that they have to either.<br/>16 Q. Okay.<br/>17 And is there any -- was there anyone<br/>18 with whom you consulted before you denied that<br/>19 request of Jane Doe 3?<br/>20 A. Not on this specific request, I don't<br/>21 believe so, no.<br/>22 Q. On others did you consult with someone<br/>23 prior to denying a similar request?<br/>24 A. Yes. There were some discussions with</p> | <p>Page 391</p> <p>1 both Jane Doe 4 and herself. And they -- in light<br/>2 of that, they would consider any discussions<br/>3 regarding either office to be suspect and<br/>4 requested that their attorney be present at the<br/>5 meeting regarding either office.<br/>6 Do you see that?<br/>7 A. Yes.<br/>8 Q. Why was there an issue with Jane Doe 3's<br/>9 attorney being present?<br/>10 A. As I indicated in my response, the<br/>11 meeting was to discuss the operations of the tax<br/>12 assessment and the tax claim offices and that<br/>13 management has the right to request such meetings<br/>14 with our employees to discuss work-related issues.<br/>15 And given this scenario, that it would not be<br/>16 appropriate for the attorney to attend the<br/>17 meeting.<br/>18 Q. Well, I can see what you wrote there,<br/>19 but I'm asking you as you sit here today, what is<br/>20 your understanding of the reason that that -- at<br/>21 that specific meeting, an attorney would not be<br/>22 appropriate?<br/>23 A. Because it was to discuss work-related<br/>24 operational issues. So I made the determination</p> |

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| <p style="text-align: right;">Page 392</p> <p>1 that an attorney would not be appropriate to be</p> <p>2 present.</p> <p>3 Q. So conversations with Jane Doe 4 and/or</p> <p>4 Jane Doe 3 that involved work-related operational</p> <p>5 issues, it was that that was the reason that they</p> <p>6 weren't permitted to have their attorney present?</p> <p>7 A. Yes.</p> <p>8 MS. PIPAK: Objection.</p> <p>9 Go ahead.</p> <p>10 THE WITNESS: Sorry. But yes. As</p> <p>11 I indicated, it was discussed, the operations of</p> <p>12 the office, specifically the organizational</p> <p>13 structure and it was unrelated to the EEOC charges</p> <p>14 that have been filed by her and others.</p> <p>15 BY MS. SMITH:</p> <p>16 Q. So if it had been work related, but</p> <p>17 related to the EEOC charges, would that be</p> <p>18 something that you would think they could have</p> <p>19 their attorney present for?</p> <p>20 MS. PIPAK: Objection to the form.</p> <p>21 You can answer.</p> <p>22 THE WITNESS: I wasn't going to be</p> <p>23 involved -- I wasn't getting involved in the EEOC</p> <p>24 charges. I'm just saying that from a work</p> | <p style="text-align: right;">Page 394</p> <p>1 MS. PIPAK: I'll object to the</p> <p>2 form.</p> <p>3 You can answer.</p> <p>4 THE WITNESS: I was advised to</p> <p>5 allow them at that point in time to allow them to</p> <p>6 bring you as their attorney, yes.</p> <p>7 BY MS. SMITH:</p> <p>8 Q. In the March 12th e-mail by Jane Doe 3,</p> <p>9 at the top there she references -- she states,</p> <p>10 there has never been one operational meeting</p> <p>11 requested by the county for tax claim or tax</p> <p>12 assessment, except for the one in which you called</p> <p>13 us down to discuss interim positions and then</p> <p>14 proceeded to inquire about all aspects of tax</p> <p>15 assessment.</p> <p>16 Did you understand that or take that to</p> <p>17 be the February 5, 2021, meeting?</p> <p>18 A. Yes.</p> <p>19 MS. SMITH: Okay. Look at 701,</p> <p>20 which I will mark as 139 for today's purposes.</p> <p>21 - - -</p> <p>22 (Zula 701 marked as Exhibit-139 for</p> <p>23 identification.)</p> <p>24 - - -</p>                                                                                                                            |
| <p style="text-align: right;">Page 393</p> <p>1 perspective, that the attorney would not be</p> <p>2 permitted. We wouldn't permit that of any county</p> <p>3 employee to bring their attorney for an</p> <p>4 operational work issue.</p> <p>5 BY MS. SMITH:</p> <p>6 Q. Ever?</p> <p>7 A. When I was there, no.</p> <p>8 Q. Ms. Zula --</p> <p>9 A. During -- well, during -- at this point</p> <p>10 in time, yeah. At this point in time.</p> <p>11 Q. Did it ever change?</p> <p>12 A. When an investigation was conducted,</p> <p>13 yes, at the advice being that I was having an</p> <p>14 attorney present, it was indicated that I should</p> <p>15 allow them to have an attorney present.</p> <p>16 Q. Right.</p> <p>17 Because I sat in on the LexisNexis --</p> <p>18 A. Yes.</p> <p>19 Q. -- interview with them, didn't I?</p> <p>20 A. Yes, you did.</p> <p>21 Q. So when the county found it appropriate</p> <p>22 and convenient to have their attorney present,</p> <p>23 then Jane Doe 3 and Jane Doe 4 were permitted to</p> <p>24 have theirs present?</p>                                                                                     | <p style="text-align: right;">Page 395</p> <p>1 MS. SMITH: You can go back to the</p> <p>2 other one. I apologize. Matt, if you can go back</p> <p>3 to 685, 687, which is 138.</p> <p>4 BY MS. SMITH:</p> <p>5 Q. It's in the bottom e-mail, that Friday</p> <p>6 March 12th at 12:52 a.m. e-mail. In the second</p> <p>7 sentence Jane Doe 3 says: I have already attended</p> <p>8 one meeting in which you stated we would be</p> <p>9 discussing interim positions, when instead you</p> <p>10 asked many other detailed questions about the</p> <p>11 office operations. That was also the February 5,</p> <p>12 2021, meeting, correct?</p> <p>13 A. February 5th?</p> <p>14 Q. 2021.</p> <p>15 A. Yes.</p> <p>16 Q. The next sentence says, during that</p> <p>17 meeting there were several issues and concerns</p> <p>18 that Jane Doe 4 and I had, which were brought to</p> <p>19 your attention. Do you contest that during that</p> <p>20 meeting there were several issues and concerns</p> <p>21 that Jane Doe 4 and Jane Doe 3 brought to your</p> <p>22 attention?</p> <p>23 A. I don't exactly recall. I don't know.</p> <p>24 Q. So it could have been?</p> |



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| <p>Page 396</p> <p>1 A. Yeah. Potentially, yes.</p> <p>2 Q. Okay.</p> <p>3 And then she says: None of which have</p> <p>4 been addressed. Do you know if any of the issues</p> <p>5 and concerns that Jane Doe 3 and Jane Doe 4 raised</p> <p>6 during that meeting had been addressed?</p> <p>7 A. I don't recall exactly what they were,</p> <p>8 no, to respond to that.</p> <p>9 Q. She goes on to state about an incident</p> <p>10 where an HR lured an assessment employee to a</p> <p>11 meeting, indicating that they were going to offer</p> <p>12 her good news about returning to a position which</p> <p>13 she previously held -- which she previously held,</p> <p>14 when, in fact, they blindsided her by telling her</p> <p>15 to side an affidavit that was presented by</p> <p>16 respondents in the EEOC charge of Jane Doe 2.</p> <p>17 That would be Heather Matukewicz,</p> <p>18 M-A-T-U-K-E-W-I-C-Z.</p> <p>19 You were involved in the prep --</p> <p>20 interviews, discussion, investigation, whatever you</p> <p>21 want to call it, of Heather Matukewicz regarding</p> <p>22 Jane Doe 2, correct?</p> <p>23 A. No, I was not.</p> <p>24 Q. Okay.</p> | <p>Page 398</p> <p>1 yes.</p> <p>2 Q. Did you think to check if she was still</p> <p>3 on bereavement leave before telling her she'd be</p> <p>4 demoted?</p> <p>5 A. We wanted -- I -- we wanted to get her</p> <p>6 the information prior to hitting it -- hitting the</p> <p>7 board agenda the following day. So based upon her</p> <p>8 not being in the office, we -- I sent the e-mail.</p> <p>9 Q. Did you ever say -- after Jane Doe 3</p> <p>10 notifying that Jane Doe 4 was out for the death of</p> <p>11 a family member, did you ever say to anyone, hey,</p> <p>12 let's push this back a week, she had a family</p> <p>13 member die?</p> <p>14 MS. PIPAK: Object to the form.</p> <p>15 THE WITNESS: No.</p> <p>16 BY MS. SMITH:</p> <p>17 Q. Did anyone ever say, hey -- did you ever</p> <p>18 hear any discussions, hey, let's take into</p> <p>19 consideration Jane Doe 4's feeling about the death</p> <p>20 of her family and push her demotion back?</p> <p>21 A. No.</p> <p>22 MS. PIPAK: Object to the form.</p> <p>23 THE WITNESS: No.</p> <p>24 BY MS. SMITH:</p>                                               |
| <p>Page 397</p> <p>1 Were you ever informed about it?</p> <p>2 A. I was told about it after I started with</p> <p>3 the county, but this happened prior to me being</p> <p>4 employed.</p> <p>5 Q. Okay.</p> <p>6 Did Jane Doe 3 discuss that matter with</p> <p>7 you at that February 5, 2021, meeting?</p> <p>8 A. I don't recall that being a discussion.</p> <p>9 I don't know.</p> <p>10 Q. Do you know how many vacancies were in</p> <p>11 the office, the tax assessment office March of</p> <p>12 2021?</p> <p>13 A. No, I do not.</p> <p>14 Q. Going to back to Zula 71, which is 139.</p> <p>15 This is an e-mail from Jane Doe 4 to you on</p> <p>16 March 15th, correct?</p> <p>17 A. Yes.</p> <p>18 Q. I'm sorry. You to Jane Doe 4, I had it</p> <p>19 backwards.</p> <p>20 You sent this to Jane Doe 4, correct?</p> <p>21 A. Correct.</p> <p>22 Q. Was Jane Doe 4 still on bereavement</p> <p>23 leave at this time?</p> <p>24 A. I'm not the certain. I believe she was,</p>                                                                                                                                                                                      | <p>Page 399</p> <p>1 Q. Does Mr. Bender hold a CPE license?</p> <p>2 A. Not to my knowledge.</p> <p>3 Q. The vote at the commissioner's meeting</p> <p>4 on Jane Doe 4's and Jane Doe 3's demotion was on</p> <p>5 March 17, 2021, correct?</p> <p>6 A. Yes.</p> <p>7 Q. And do you know who -- because the way a</p> <p>8 commissioner's meeting, as I understand it works,</p> <p>9 is someone has to recommend something to the</p> <p>10 commissioners, kind of like make a motion and then</p> <p>11 they vote, correct?</p> <p>12 A. Yes. I read -- I would have read the</p> <p>13 PAR report with those actions on it.</p> <p>14 Q. But it's your testimony that the only</p> <p>15 reason that you read the PAR report is at the</p> <p>16 instruction of Defendant Bender?</p> <p>17 A. I was instructed to issue the PARs based</p> <p>18 upon the recommendation to restructure the</p> <p>19 offices. And, yes, they were put on the PAR</p> <p>20 report that my office prepares and submits to the</p> <p>21 commissioner's office.</p> <p>22 Q. And whose direction was that?</p> <p>23 A. Mr. Bender.</p> <p>24 Q. Okay.</p> |



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| <p>Page 400</p> <p>1 Did you have an opinion as to whether</p> <p>2 the offices should be restructured?</p> <p>3 A. I mean, no, I didn't really have an</p> <p>4 opinion. I reported the information based upon</p> <p>5 that I -- well, I guess, yes, I guess I did have</p> <p>6 an opinion on it based upon that memo that I</p> <p>7 prepared, yes, that they should be separated.</p> <p>8 Q. Did you have an opinion as to whether</p> <p>9 Jane Doe 3 should hold the chief assessor or tax</p> <p>10 claim director position?</p> <p>11 A. No, that I did not.</p> <p>12 Q. Did you have an opinion as to whether --</p> <p>13 which assistant position Jane Doe 4 should hold?</p> <p>14 A. I did discuss -- I remember I did</p> <p>15 discuss potentially putting both of them back in</p> <p>16 tax assessment -- I mean, sorry tax claim because</p> <p>17 that's basically where they came from prior to the</p> <p>18 combining of the offices. And it was decided by</p> <p>19 Mr. Bender that we needed to have somebody else --</p> <p>20 somebody still in tax assessment who had some day</p> <p>21 to day working knowledge, and so that was why Jane</p> <p>22 Doe 4 was kept in the tax assessment office.</p> <p>23 Q. Who -- when you left the county, who was</p> <p>24 the assistant chief assessor?</p> | <p>Page 402</p> <p>1 A. Yes.</p> <p>2 Q. Why couldn't that person have been</p> <p>3 Ms. Zimmerman?</p> <p>4 A. I guess it could have, but it was not</p> <p>5 made -- that recommendation was not made.</p> <p>6 Q. Okay.</p> <p>7 Was that discussed?</p> <p>8 A. No, not to my knowledge.</p> <p>9 Q. Were any of the commissioners ever</p> <p>10 involved in any of the restructuring</p> <p>11 conversations?</p> <p>12 A. So I believe we did meet in executive</p> <p>13 session with the commissioners to advise them of</p> <p>14 the information that was found, because ultimately</p> <p>15 they were the ones that received the STEB doc --</p> <p>16 the document from the state indicating the</p> <p>17 delinquency of the STEB reports.</p> <p>18 Q. Were all three commissioners present?</p> <p>19 A. I don't recall. Typically, yes, they</p> <p>20 would all be present during executive session.</p> <p>21 But, I don't exactly if -- exactly who was there</p> <p>22 at the meeting.</p> <p>23 Q. Okay.</p> <p>24 Do you recall Commissioner Hess asking</p> |
| <p>Page 401</p> <p>1 A. Christine Zimmerman.</p> <p>2 Q. Ms. Zimmerman was in the assessment</p> <p>3 office at the time of the demotions in March 2021,</p> <p>4 correct?</p> <p>5 A. Yes.</p> <p>6 Q. Why couldn't Mrs. Zimmerman have become</p> <p>7 the deputy chief assessor at that time?</p> <p>8 A. She was a field appraiser at that time,</p> <p>9 so she wasn't in a supervisory role.</p> <p>10 Q. But she was a field appraiser when she</p> <p>11 was promoted to the deputy assessor in -- whenever</p> <p>12 it was, correct?</p> <p>13 A. Yes, that's correct.</p> <p>14 Q. So what's the difference of March 2021</p> <p>15 and when she was promoted?</p> <p>16 A. Because the position wasn't posted at</p> <p>17 that point in time, so we believed -- so Mr.</p> <p>18 Bender made the decision to put one in one office,</p> <p>19 one in the other office.</p> <p>20 Q. Right.</p> <p>21 But your testimony was that Mr. Bender</p> <p>22 made the decision because someone with some</p> <p>23 assessment knowledge needed to remain in the</p> <p>24 assessment office, correct?</p>                                                                                                                                                                                                                     | <p>Page 403</p> <p>1 any questions or challenging anything?</p> <p>2 A. I don't recall.</p> <p>3 Q. Do you recall anybody bringing up the</p> <p>4 fact that now Commissioner Stottlemeyer had told</p> <p>5 Jane Doe 3 that should the offices ever be</p> <p>6 disbanded, you will or should remain in tax</p> <p>7 assessment?</p> <p>8 A. No, I was not made aware of any of those</p> <p>9 conversations.</p> <p>10 Q. Never heard that comment?</p> <p>11 A. No.</p> <p>12 MS. SMITH: Okay. Going to mark</p> <p>13 715 --</p> <p>14 MS. PIPAK: I think -- are we at</p> <p>15 seven hours?</p> <p>16 MS. SMITH: Okay.</p> <p>17 MS. PIPAK: We can just pick up</p> <p>18 tomorrow.</p> <p>19 VIDEOGRAPHER: The time is now 6:01</p> <p>20 p.m. and we are going off the record.</p> <p>21 - - -</p> <p>22 (Whereupon, deposition concluded at</p> <p>23 6:02 p.m.)</p> <p>24 - - -</p>                                                                                                                                                                                        |

## C E R T I F I C A T I O N

I, COLEEN TRIFUN, RPR and Notary Public,  
do hereby certify that the foregoing is a true and  
accurate transcript of the stenographic notes taken  
by me in the aforementioned matter.

- - -

DATE :

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COLEEN TRIFUN, RPR

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| <b>abundantly</b> (1)      | <b>affirmative</b> (1)      | <b>answering</b> (3)          | <b>asking</b> (64)           |
| <b>abusing</b> (1)         | <b>aforementioned</b> (1)   | <b>answers</b> (15)           | <b>asks</b> (5)              |
| <b>acceptable</b> (1)      | <b>agenda</b> (11)          | <b>anticipate</b> (1)         | <b>aspects</b> (1)           |
| <b>acceptance</b> (1)      | <b>ago</b> (1)              | <b>antidiscrimination</b> (1) | <b>assault</b> (1)           |
| <b>access</b> (14)         | <b>agree</b> (19)           | <b>anti-harassment</b> (14)   | <b>assaulted</b> (1)         |
| <b>accessed</b> (1)        | <b>agreed</b> (4)           | <b>anxiety</b> (2)            | <b>assert</b> (3)            |
| <b>accessibility</b> (2)   | <b>agreement</b> (18)       | <b>anybody</b> (3)            | <b>asserting</b> (1)         |
| <b>accessible</b> (3)      | <b>agreements</b> (2)       | <b>anymore</b> (1)            | <b>asses</b> (1)             |
| <b>accommodated</b> (1)    | <b>ahead</b> (27)           | <b>anyway</b> (1)             | <b>assessed</b> (6)          |
| <b>accommodation</b> (21)  | <b>aiding</b> (2)           | <b>apologize</b> (10)         | <b>assessment</b> (107)      |
| <b>accommodations</b> (1)  | <b>al</b> (6)               | <b>Apparently</b> (5)         | <b>assessments</b> (1)       |
| <b>accompanied</b> (2)     | <b>alcohol</b> (4)          | <b>appeal</b> (1)             | <b>assessor</b> (40)         |
| <b>accord</b> (1)          | <b>Alecia</b> (1)           | <b>appear</b> (1)             | <b>assessor/director</b> (1) |
| <b>accrued</b> (3)         | <b>alert</b> (1)            | <b>appeared</b> (2)           | <b>assessors</b> (1)         |
| <b>accurate</b> (16)       | <b>ALLAN</b> (1)            | <b>Appearing</b> (1)          | <b>assessor's</b> (1)        |
| <b>accurately</b> (1)      | <b>allan.townsend@usdoj</b> | <b>appears</b> (5)            | <b>assign</b> (2)            |
| <b>accused</b> (5)         | <b>.gov</b> (1)             | <b>applicants</b> (1)         | <b>assigned</b> (12)         |
| <b>accuser</b> (1)         | <b>allegations</b> (7)      | <b>application</b> (7)        | <b>assignments</b> (3)       |
| <b>acknowledged</b> (2)    | <b>alleged</b> (1)          | <b>applied</b> (7)            | <b>assist</b> (2)            |
| <b>acknowledging</b> (2)   | <b>allegedly</b> (2)        | <b>applies</b> (3)            | <b>assistance</b> (6)        |
| <b>acknowledgment</b> (9)  | <b>Allen</b> (1)            | <b>apply</b> (4)              | <b>assistant</b> (16)        |
| <b>Act</b> (11)            | <b>alleviate</b> (2)        | <b>appoint</b> (1)            | <b>assisted</b> (1)          |
| <b>action</b> (23)         | <b>alleviated</b> (1)       | <b>appointed</b> (2)          | <b>assume</b> (3)            |
| <b>actions</b> (12)        | <b>allow</b> (11)           | <b>appointment</b> (2)        | <b>assuming</b> (6)          |
| <b>acts</b> (4)            | <b>allowed</b> (6)          | <b>appraiser</b> (19)         | <b>assumptions</b> (1)       |
| <b>actual</b> (7)          | <b>allowing</b> (4)         | <b>appraisers</b> (16)        | <b>attached</b> (4)          |
| <b>ADA</b> (2)             | <b>altered</b> (3)          | <b>appraiser's</b> (1)        | <b>attachment</b> (9)        |
| <b>add</b> (2)             | <b>alternative</b> (7)      | <b>appraises</b> (1)          | <b>attempt</b> (4)           |
| <b>added</b> (5)           | <b>alternatively</b> (1)    | <b>appreciate</b> (2)         | <b>attempted</b> (10)        |
| <b>adding</b> (1)          | <b>alternatives</b> (2)     | <b>apprized</b> (1)           | <b>attempting</b> (1)        |
| <b>addition</b> (7)        | <b>Alu</b> (29)             | <b>appropriate</b> (38)       | <b>attempts</b> (2)          |
| <b>additional</b> (33)     | <b>Alu's</b> (2)            | <b>appropriately</b> (2)      | <b>attend</b> (16)           |
| <b>address</b> (5)         | <b>ALYSSA</b> (2)           | <b>approval</b> (7)           | <b>attendance</b> (4)        |
| <b>addressed</b> (5)       | <b>AMBER</b> (2)            | <b>approve</b> (9)            | <b>attended</b> (11)         |
| <b>addresses</b> (2)       | <b>amber.fox@usdoj.gov</b>  | <b>approved</b> (23)          | <b>attendee</b> (1)          |
| <b>adjustment</b> (1)      | (1)                         | <b>approves</b> (3)           | <b>attendees</b> (1)         |
| <b>administrate</b> (1)    | <b>ambiguous</b> (2)        | <b>approving</b> (1)          | <b>attending</b> (3)         |
| <b>administration</b> (8)  | <b>amount</b> (1)           | <b>approximately</b> (1)      | <b>attention</b> (4)         |
| <b>administrative</b> (3)  | <b>analysis</b> (2)         | <b>April</b> (10)             | <b>attesting</b> (1)         |
| <b>administrator</b> (14)  | <b>analyst</b> (11)         | <b>Area</b> (11)              | <b>attorney</b> (45)         |
| <b>administrators</b> (2)  | <b>analyze</b> (1)          | <b>areas</b> (2)              | <b>attorney-client</b> (6)   |
| <b>administrator's</b> (2) | <b>and/or</b> (8)           | <b>argumentative</b> (5)      | <b>attorneys</b> (6)         |
| <b>adopted</b> (2)         | <b>Ann</b> (1)              | <b>arose</b> (1)              | <b>Attorney's</b> (1)        |
| <b>advice</b> (42)         | <b>annual</b> (1)           | <b>arrangements</b> (1)       | <b>audible</b> (1)           |
| <b>advise</b> (6)          | <b>annually</b> (1)         | <b>arrived</b> (1)            | <b>August</b> (6)            |
| <b>advised</b> (5)         | <b>anonymous</b> (6)        | <b>articles</b> (1)           | <b>authority</b> (16)        |



|                        |                       |                             |                            |
|------------------------|-----------------------|-----------------------------|----------------------------|
| <b>authorized</b> (2)  | <b>blindsided</b> (1) | <b>case</b> (6)             | <b>clarification</b> (12)  |
| <b>available</b> (6)   | <b>board</b> (36)     | <b>case-by-case</b> (3)     | <b>clarify</b> (3)         |
| <b>availed</b> (1)     | <b>boards</b> (1)     | <b>catalyst</b> (3)         | <b>class</b> (1)           |
| <b>avoid</b> (2)       | <b>bodies</b> (1)     | <b>CATHERINE</b> (6)        | <b>classes</b> (2)         |
| <b>aware</b> (121)     | <b>bottom</b> (10)    | <b>catherine@dereksmith</b> | <b>classification</b> (5)  |
|                        | <b>bound</b> (1)      | <b>.com</b> (1)             | <b>classifications</b> (1) |
| <b>&lt; B &gt;</b>     | <b>BOX</b> (5)        | <b>cause</b> (2)            | <b>classified</b> (1)      |
| <b>back</b> (80)       | <b>boxes</b> (1)      | <b>caused</b> (5)           | <b>clean</b> (5)           |
| <b>backed</b> (1)      | <b>Bradley's</b> (2)  | <b>causing</b> (3)          | <b>cleaned</b> (3)         |
| <b>background</b> (13) | <b>brand</b> (1)      | <b>CC</b> (1)               | <b>Cleaning</b> (3)        |
| <b>backgrounds</b> (1) | <b>break</b> (7)      | <b>CC'ed</b> (6)            | <b>cleans</b> (1)          |
| <b>backwards</b> (1)   | <b>breaked</b> (1)    | <b>ceiling</b> (4)          | <b>clear</b> (7)           |
| <b>bad</b> (1)         | <b>brief</b> (15)     | <b>certain</b> (28)         | <b>clearer</b> (1)         |
| <b>badge</b> (1)       | <b>briefing</b> (2)   | <b>certainly</b> (4)        | <b>clerk</b> (8)           |
| <b>bag</b> (1)         | <b>briefly</b> (2)    | <b>certainty</b> (3)        | <b>clerk's</b> (1)         |
| <b>Banking</b> (1)     | <b>bring</b> (16)     | <b>certification</b> (2)    | <b>client</b> (3)          |
| <b>bargaining</b> (1)  | <b>bringing</b> (5)   | <b>certified</b> (2)        | <b>climbed</b> (2)         |
| <b>base</b> (2)        | <b>Brodhead</b> (1)   | <b>certify</b> (1)          | <b>close</b> (1)           |
| <b>based</b> (100)     | <b>brother</b> (1)    | <b>chain</b> (23)           | <b>closed</b> (1)          |
| <b>basically</b> (5)   | <b>brought</b> (18)   | <b>challenging</b> (1)      | <b>closely</b> (1)         |
| <b>basis</b> (24)      | <b>budget</b> (1)     | <b>chance</b> (1)           | <b>closer</b> (1)          |
| <b>Bates</b> (8)       | <b>Building</b> (70)  | <b>change</b> (17)          | <b>Coleen</b> (4)          |
| <b>began</b> (4)       | <b>buildings</b> (2)  | <b>changed</b> (6)          | <b>collect</b> (1)         |
| <b>beginning</b> (1)   | <b>bullet</b> (2)     | <b>changes</b> (14)         | <b>collective</b> (3)      |
| <b>begins</b> (2)      | <b>bulletin</b> (1)   | <b>changing</b> (2)         | <b>collectively</b> (2)    |
| <b>begs</b> (1)        | <b>bureau</b> (10)    | <b>channels</b> (1)         | <b>collectors</b> (1)      |
| <b>behalf</b> (7)      | <b>Burke</b> (5)      | <b>charge</b> (5)           | <b>Columbia</b> (1)        |
| <b>behavior</b> (1)    | <b>Burke's</b> (1)    | <b>charges</b> (3)          | <b>combined</b> (3)        |
| <b>belief</b> (4)      | <b>business</b> (1)   | <b>chart</b> (3)            | <b>combining</b> (2)       |
| <b>believe</b> (215)   | <b>busy</b> (1)       | <b>chatted</b> (1)          | <b>come</b> (53)           |
| <b>believed</b> (13)   | <b>BV</b> (1)         | <b>check</b> (20)           | <b>comes</b> (4)           |
| <b>believing</b> (1)   |                       | <b>checked</b> (3)          | <b>comfortable</b> (2)     |
| <b>Bend</b> (2)        | <b>&lt; C &gt;</b>    | <b>checklist</b> (2)        | <b>coming</b> (10)         |
| <b>Bender</b> (120)    | <b>calendar</b> (3)   | <b>checklists</b> (1)       | <b>comma</b> (2)           |
| <b>Bender's</b> (3)    | <b>call</b> (15)      | <b>checks</b> (3)           | <b>command</b> (6)         |
| <b>beneficial</b> (1)  | <b>called</b> (15)    | <b>chief</b> (42)           | <b>comment</b> (1)         |
| <b>benefit</b> (1)     | <b>calling</b> (1)    | <b>children</b> (1)         | <b>comments</b> (3)        |
| <b>benefits</b> (2)    | <b>calls</b> (2)      | <b>Chinese</b> (1)          | <b>commiss</b> (1)         |
| <b>bereavement</b> (3) | <b>cameras</b> (3)    | <b>chosen</b> (2)           | <b>commission</b> (1)      |
| <b>best</b> (1)        | <b>canceled</b> (3)   | <b>Chris</b> (3)            | <b>Commissioner</b> (19)   |
| <b>Bethlehem</b> (1)   | <b>candidly</b> (1)   | <b>Christine</b> (2)        | <b>commissioners</b> (48)  |
| <b>better</b> (8)      | <b>Cap</b> (1)        | <b>Christopher</b> (1)      | <b>commissioner's</b> (11) |
| <b>beyond</b> (1)      | <b>capacity</b> (6)   | <b>circled</b> (3)          | <b>common</b> (2)          |
| <b>billing</b> (3)     | <b>caption</b> (1)    | <b>circumstances</b> (3)    | <b>commonly</b> (1)        |
| <b>bills</b> (1)       | <b>car</b> (1)        | <b>CIVIL</b> (2)            | <b>Commonwealth</b> (1)    |
| <b>bit</b> (6)         | <b>card</b> (1)       | <b>claim</b> (41)           | <b>communicate</b> (10)    |
| <b>black</b> (2)       | <b>care</b> (4)       | <b>claiming</b> (1)         | <b>communicated</b> (5)    |
| <b>blast</b> (1)       | <b>careful</b> (1)    | <b>claims</b> (27)          | <b>communication</b> (25)  |
| <b>blatantly</b> (1)   | <b>carrier</b> (1)    | <b>Claire</b> (4)           | <b>communications</b> (9)  |

|                            |                              |                          |                            |
|----------------------------|------------------------------|--------------------------|----------------------------|
| <b>company</b> (5)         | <b>constitute</b> (2)        | <b>Counsel</b> (49)      | <b>DEBISE</b> (2)          |
| <b>comparison</b> (1)      | <b>constructed</b> (1)       | <b>count</b> (1)         | <b>December</b> (9)        |
| <b>compile</b> (1)         | <b>consult</b> (7)           | <b>counties</b> (2)      | <b>decide</b> (1)          |
| <b>compiling</b> (1)       | <b>consultant</b> (17)       | <b>COUNTY</b> (225)      | <b>decided</b> (15)        |
| <b>complaint</b> (12)      | <b>consultants</b> (1)       | <b>county-issued</b> (1) | <b>decides</b> (1)         |
| <b>complaints</b> (8)      | <b>consultation</b> (9)      | <b>county-owned</b> (2)  | <b>decision</b> (45)       |
| <b>complete</b> (33)       | <b>consultations</b> (2)     | <b>county's</b> (13)     | <b>decision-making</b> (1) |
| <b>completed</b> (38)      | <b>consulted</b> (9)         | <b>couple</b> (4)        | <b>decisions</b> (4)       |
| <b>completely</b> (5)      | <b>consumed</b> (1)          | <b>couple-minute</b> (1) | <b>deductions</b> (2)      |
| <b>completes</b> (2)       | <b>contact</b> (14)          | <b>course</b> (1)        | <b>deeds</b> (2)           |
| <b>completing</b> (7)      | <b>contacted</b> (6)         | <b>COURT</b> (24)        | <b>deeper</b> (1)          |
| <b>completion</b> (9)      | <b>contacting</b> (3)        | <b>COURTHOUSE</b> (47)   | <b>defendant</b> (69)      |
| <b>compliance</b> (4)      | <b>contained</b> (1)         | <b>Courtroom</b> (3)     | <b>Defendants</b> (4)      |
| <b>complied</b> (1)        | <b>containing</b> (1)        | <b>cover</b> (1)         | <b>defense</b> (10)        |
| <b>compliment</b> (3)      | <b>content</b> (1)           | <b>coverage</b> (1)      | <b>defer</b> (1)           |
| <b>complimented</b> (1)    | <b>contents</b> (24)         | <b>coverages</b> (1)     | <b>deferred</b> (1)        |
| <b>con</b> (1)             | <b>contest</b> (2)           | <b>covered</b> (3)       | <b>definitely</b> (2)      |
| <b>concern</b> (15)        | <b>context</b> (7)           | <b>COVID</b> (15)        | <b>delay</b> (1)           |
| <b>concerns</b> (22)       | <b>contingent</b> (2)        | <b>CPE</b> (28)          | <b>delayed</b> (2)         |
| <b>concise</b> (1)         | <b>continually</b> (2)       | <b>CPE-licensed</b> (1)  | <b>delegate</b> (1)        |
| <b>concluded</b> (1)       | <b>continuation</b> (2)      | <b>Craft</b> (2)         | <b>delinquency</b> (6)     |
| <b>conclusion</b> (19)     | <b>continue</b> (7)          | <b>created</b> (3)       | <b>delinquent</b> (7)      |
| <b>conclusions</b> (1)     | <b>contract</b> (13)         | <b>creation</b> (3)      | <b>delivered</b> (1)       |
| <b>condensed</b> (1)       | <b>contracted</b> (1)        | <b>credentials</b> (2)   | <b>delving</b> (1)         |
| <b>condition</b> (2)       | <b>contractor</b> (9)        | <b>criminal</b> (1)      | <b>demographic</b> (1)     |
| <b>conditions</b> (6)      | <b>contractors</b> (2)       | <b>critiques</b> (1)     | <b>demote</b> (2)          |
| <b>conduct</b> (6)         | <b>contracts</b> (1)         | <b>current</b> (2)       | <b>demoted</b> (14)        |
| <b>conducted</b> (6)       | <b>contractual</b> (1)       | <b>curve</b> (1)         | <b>demotion</b> (14)       |
| <b>conference</b> (7)      | <b>contradiction</b> (2)     | <b>cut</b> (1)           | <b>demotions</b> (1)       |
| <b>confident</b> (1)       | <b>contradictory</b> (1)     | <b>cutting</b> (1)       | <b>denial</b> (10)         |
| <b>CONFIDENTIAL</b> (2)    | <b>contributed</b> (2)       | <b>&lt; D &gt;</b>       | <b>denied</b> (5)          |
| <b>confidentiality</b> (1) | <b>control</b> (4)           | <b>daily</b> (4)         | <b>denies</b> (1)          |
| <b>confirm</b> (5)         | <b>controller</b> (4)        | <b>Dana</b> (1)          | <b>Denise</b> (2)          |
| <b>confirmation</b> (2)    | <b>controllers</b> (9)       | <b>dangerous</b> (2)     | <b>deny</b> (6)            |
| <b>confirmed</b> (1)       | <b>controller's</b> (1)      | <b>Dash</b> (6)          | <b>denying</b> (2)         |
| <b>confirming</b> (1)      | <b>controls</b> (1)          | <b>Dash's</b> (1)        | <b>DEPARTMENT</b> (27)     |
| <b>conform</b> (1)         | <b>convenient</b> (1)        | <b>data</b> (4)          | <b>departments</b> (4)     |
| <b>confused</b> (2)        | <b>conversation</b> (69)     | <b>date</b> (50)         | <b>depend</b> (1)          |
| <b>confusing</b> (2)       | <b>conversations</b> (40)    | <b>dated</b> (13)        | <b>depending</b> (1)       |
| <b>conjunction</b> (2)     | <b>conviction</b> (1)        | <b>dates</b> (4)         | <b>depends</b> (1)         |
| <b>connection</b> (3)      | <b>coordinator</b> (2)       | <b>day</b> (41)          | <b>deponent</b> (2)        |
| <b>consecutive</b> (4)     | <b>coordinator/field</b> (1) | <b>days</b> (15)         | <b>DEPOSITION</b> (14)     |
| <b>consent</b> (3)         | <b>copies</b> (9)            | <b>deadline</b> (2)      | <b>depositions</b> (1)     |
| <b>consented</b> (2)       | <b>copy</b> (21)             | <b>deadlines</b> (1)     | <b>deputy</b> (10)         |
| <b>consequences</b> (1)    | <b>correct</b> (326)         | <b>dealing</b> (3)       | <b>DEREK</b> (2)           |
| <b>consider</b> (16)       | <b>corrected</b> (1)         | <b>death</b> (5)         | <b>Derrick</b> (1)         |
| <b>consideration</b> (10)  | <b>Corrections</b> (2)       | <b>Deb</b> (5)           | <b>described</b> (1)       |
| <b>considered</b> (5)      | <b>correctly</b> (3)         |                          | <b>describing</b> (2)      |
| <b>consistent</b> (3)      | <b>correspondence</b> (8)    |                          | <b>DESCRIPTION</b> (20)    |

|                           |                            |                         |                        |
|---------------------------|----------------------------|-------------------------|------------------------|
| <b>descriptions</b> (2)   | <b>displayed</b> (1)       | <b>EEOC</b> (7)         | <b>equipment</b> (6)   |
| <b>designate</b> (1)      | <b>dispute</b> (1)         | <b>EEO-related</b> (1)  | <b>error</b> (1)       |
| <b>designated</b> (1)     | <b>disrupted</b> (1)       | <b>effect</b> (4)       | <b>escorted</b> (6)    |
| <b>Desiree</b> (1)        | <b>disruption</b> (1)      | <b>effective</b> (2)    | <b>ESQUIRE</b> (10)    |
| <b>desk</b> (1)           | <b>disruptions</b> (1)     | <b>efficient</b> (1)    | <b>essential</b> (7)   |
| <b>despite</b> (3)        | <b>dissatisfaction</b> (2) | <b>efficiently</b> (1)  | <b>essentially</b> (4) |
| <b>destroyed</b> (3)      | <b>dissented</b> (3)       | <b>effort</b> (1)       | <b>established</b> (3) |
| <b>detailed</b> (1)       | <b>dissenting</b> (2)      | <b>efforts</b> (3)      | <b>estate</b> (12)     |
| <b>detector</b> (2)       | <b>dissents</b> (1)        | <b>eight</b> (3)        | <b>et</b> (4)          |
| <b>determination</b> (14) | <b>distancing</b> (1)      | <b>either</b> (27)      | <b>evaluate</b> (3)    |
| <b>determine</b> (16)     | <b>distinction</b> (2)     | <b>Elaine</b> (3)       | <b>Evaluators</b> (1)  |
| <b>determined</b> (6)     | <b>DISTRICT</b> (8)        | <b>elected</b> (13)     | <b>event</b> (4)       |
| <b>determining</b> (2)    | <b>DIVISION</b> (4)        | <b>election</b> (3)     | <b>eventually</b> (4)  |
| <b>detrimental</b> (1)    | <b>divulge</b> (1)         | <b>elevator</b> (1)     | <b>Everest</b> (1)     |
| <b>Detweiler</b> (3)      | <b>doc</b> (1)             | <b>eligible</b> (1)     | <b>everybody</b> (4)   |
| <b>Detweiler's</b> (1)    | <b>DOCKET</b> (6)          | <b>eliminate</b> (1)    | <b>evidence</b> (6)    |
| <b>Diane</b> (1)          | <b>doctor</b> (11)         | <b>eliminating</b> (1)  | <b>exact</b> (12)      |
| <b>DICKIE</b> (1)         | <b>doctors</b> (1)         | <b>elimination</b> (1)  | <b>exactly</b> (42)    |
| <b>die</b> (1)            | <b>doctor's</b> (4)        | <b>else's</b> (2)       | <b>exam</b> (2)        |
| <b>diem</b> (7)           | <b>document</b> (83)       | <b>e-mail</b> (133)     | <b>Examination</b> (1) |
| <b>diems</b> (3)          | <b>documentation</b> (16)  | <b>e-mailed</b> (3)     | <b>examined</b> (1)    |
| <b>difference</b> (2)     | <b>documenting</b> (1)     | <b>e-mails</b> (16)     | <b>example</b> (2)     |
| <b>different</b> (27)     | <b>DOCUMENTS</b> (13)      | <b>embankment</b> (2)   | <b>Excellent</b> (1)   |
| <b>difficult</b> (3)      | <b>DOE</b> (607)           | <b>employed</b> (8)     | <b>exchange</b> (2)    |
| <b>difficulty</b> (2)     | <b>doing</b> (24)          | <b>employee</b> (56)    | <b>exclude</b> (1)     |
| <b>direct</b> (14)        | <b>door</b> (17)           | <b>employees</b> (86)   | <b>excluded</b> (1)    |
| <b>directed</b> (7)       | <b>Doreen</b> (29)         | <b>employee's</b> (3)   | <b>excuse</b> (3)      |
| <b>directing</b> (1)      | <b>double</b> (1)          | <b>employer</b> (3)     | <b>execution</b> (1)   |
| <b>DIRECTION</b> (7)      | <b>Dr</b> (3)              | <b>employers</b> (2)    | <b>executive</b> (7)   |
| <b>directive</b> (2)      | <b>draft</b> (11)          | <b>employment</b> (60)  | <b>exempt</b> (9)      |
| <b>directly</b> (16)      | <b>drafted</b> (8)         | <b>enacted</b> (1)      | <b>exemption</b> (3)   |
| <b>director</b> (54)      | <b>drafting</b> (5)        | <b>encountered</b> (2)  | <b>exemptions</b> (1)  |
| <b>disagree</b> (2)       | <b>drafts</b> (1)          | <b>ended</b> (4)        | <b>EXHIBIT</b> (22)    |
| <b>disagreement</b> (1)   | <b>draw</b> (1)            | <b>ends</b> (1)         | <b>Exhibit-100</b> (2) |
| <b>disapproved</b> (1)    | <b>drop-dead</b> (2)       | <b>engage</b> (2)       | <b>Exhibit-101</b> (2) |
| <b>disbanded</b> (1)      | <b>drug</b> (7)            | <b>engaged</b> (1)      | <b>Exhibit-102</b> (2) |
| <b>disciplinary</b> (8)   | <b>due</b> (8)             | <b>engaging</b> (2)     | <b>Exhibit-103</b> (2) |
| <b>disciplined</b> (3)    | <b>duly</b> (1)            | <b>ensure</b> (4)       | <b>Exhibit-104</b> (2) |
| <b>disciplining</b> (1)   | <b>dumb</b> (1)            | <b>ensuring</b> (1)     | <b>Exhibit-105</b> (2) |
| <b>disclosing</b> (1)     | <b>dumbed-down</b> (1)     | <b>enter</b> (14)       | <b>Exhibit-106</b> (2) |
| <b>discovery</b> (1)      | <b>duties</b> (42)         | <b>entered</b> (8)      | <b>Exhibit-107</b> (2) |
| <b>discretion</b> (14)    | <b>duty</b> (12)           | <b>entering</b> (3)     | <b>Exhibit-108</b> (2) |
| <b>discretionary</b> (1)  | <b>duty/subpoenas</b> (1)  | <b>entire</b> (2)       | <b>Exhibit-109</b> (3) |
| <b>discuss</b> (35)       | <b>DWK</b> (1)             | <b>entirety</b> (1)     | <b>Exhibit-110</b> (2) |
| <b>discussed</b> (26)     | <b>&lt; E &gt;</b>         | <b>entities</b> (2)     | <b>Exhibit-111</b> (2) |
| <b>discussing</b> (6)     | <b>earlier</b> (13)        | <b>entrance</b> (11)    | <b>Exhibit-112</b> (2) |
| <b>discussion</b> (43)    | <b>early</b> (9)           | <b>entrances</b> (1)    | <b>Exhibit-113</b> (3) |
| <b>discussions</b> (51)   | <b>EEO</b> (22)            | <b>environment</b> (8)  | <b>Exhibit-114</b> (3) |
| <b>disingenuous</b> (1)   |                            | <b>Equalization</b> (2) | <b>Exhibit-115</b> (3) |

|                        |                           |                       |                            |
|------------------------|---------------------------|-----------------------|----------------------------|
| <b>Exhibit-116</b> (2) | <b>experiencing</b> (1)   | <b>finally</b> (1)    | <b>fulfill</b> (1)         |
| <b>Exhibit-117</b> (2) | <b>expertise</b> (1)      | <b>finance</b> (1)    | <b>full</b> (6)            |
| <b>Exhibit-118</b> (4) | <b>explain</b> (4)        | <b>find</b> (9)       | <b>full-sized</b> (1)      |
| <b>Exhibit-119</b> (2) | <b>explained</b> (1)      | <b>finding</b> (1)    | <b>full-time</b> (3)       |
| <b>Exhibit-120</b> (2) | <b>extended</b> (1)       | <b>fine</b> (3)       | <b>fully</b> (9)           |
| <b>Exhibit-121</b> (2) | <b>extending</b> (1)      | <b>finish</b> (6)     | <b>function</b> (1)        |
| <b>Exhibit-122</b> (6) | <b>extensively</b> (1)    | <b>first</b> (72)     | <b>functions</b> (4)       |
| <b>Exhibit-123</b> (2) | <b>extent</b> (8)         | <b>five</b> (6)       | <b>funeral</b> (6)         |
| <b>Exhibit-124</b> (3) | <b>external</b> (1)       | <b>flip</b> (1)       | <b>furlough</b> (2)        |
| <b>Exhibit-125</b> (2) | <b>extra</b> (1)          | <b>flushed</b> (1)    | <b>furloughed</b> (7)      |
| <b>Exhibit-126</b> (2) | <b>extreme</b> (1)        | <b>fly</b> (1)        | <b>further</b> (22)        |
| <b>Exhibit-127</b> (6) | <b>eyes</b> (1)           | <b>flyers</b> (1)     | <b>future</b> (2)          |
| <b>Exhibit-128</b> (2) |                           | <b>FMLA</b> (5)       |                            |
| <b>Exhibit-129</b> (2) | <b>&lt; F &gt;</b>        | <b>focus</b> (4)      | <b>&lt; G &gt;</b>         |
| <b>Exhibit-130</b> (4) | <b>facets</b> (1)         | <b>focused</b> (4)    | <b>Garrity</b> (3)         |
| <b>Exhibit-131</b> (2) | <b>fact</b> (46)          | <b>folks</b> (1)      | <b>Gary</b> (24)           |
| <b>Exhibit-132</b> (2) | <b>facts</b> (3)          | <b>follow</b> (6)     | <b>gathered</b> (1)        |
| <b>Exhibit-133</b> (3) | <b>factual</b> (1)        | <b>followed</b> (7)   | <b>gathering</b> (1)       |
| <b>Exhibit-134</b> (2) | <b>failed</b> (8)         | <b>following</b> (10) | <b>GEIGER</b> (8)          |
| <b>Exhibit-135</b> (2) | <b>failure</b> (4)        | <b>follows</b> (1)    | <b>general</b> (2)         |
| <b>Exhibit-136</b> (2) | <b>fair</b> (12)          | <b>follow-up</b> (1)  | <b>generalize</b> (1)      |
| <b>Exhibit-137</b> (2) | <b>falling</b> (2)        | <b>force</b> (1)      | <b>generally</b> (5)       |
| <b>Exhibit-138</b> (2) | <b>familiar</b> (10)      | <b>foregoing</b> (1)  | <b>general's</b> (1)       |
| <b>Exhibit-139</b> (2) | <b>family</b> (9)         | <b>forgive</b> (2)    | <b>generates</b> (1)       |
| <b>Exhibit-15</b> (1)  | <b>far</b> (11)           | <b>forgot</b> (1)     | <b>George</b> (7)          |
| <b>Exhibit-43</b> (2)  | <b>fax</b> (9)            | <b>form</b> (89)      | <b>GERARD</b> (1)          |
| <b>Exhibit-86</b> (1)  | <b>faxed</b> (1)          | <b>formal</b> (1)     | <b>Gerry</b> (1)           |
| <b>Exhibit-87</b> (2)  | <b>faxes</b> (1)          | <b>Formalized</b> (1) | <b>getting</b> (11)        |
| <b>Exhibit-88</b> (3)  | <b>feasible</b> (1)       | <b>formally</b> (1)   | <b>ggeiger@newmanwilli</b> |
| <b>Exhibit-89</b> (2)  | <b>February</b> (73)      | <b>format</b> (1)     | <b>ams.com</b> (1)         |
| <b>Exhibit-90</b> (3)  | <b>February/March</b> (1) | <b>formatted</b> (1)  | <b>Gilbert</b> (1)         |
| <b>Exhibit-91</b> (3)  | <b>fed</b> (1)            | <b>former</b> (4)     | <b>Gilbert's</b> (1)       |
| <b>Exhibit-92</b> (3)  | <b>Federoff</b> (2)       | <b>forms</b> (2)      | <b>give</b> (12)           |
| <b>Exhibit-93</b> (3)  | <b>feel</b> (16)          | <b>forth</b> (2)      | <b>given</b> (27)          |
| <b>Exhibit-94</b> (4)  | <b>feeling</b> (2)        | <b>forward</b> (12)   | <b>gives</b> (1)           |
| <b>Exhibit-95</b> (2)  | <b>feelings</b> (2)       | <b>forwarded</b> (6)  | <b>giving</b> (4)          |
| <b>Exhibit-96</b> (4)  | <b>felt</b> (3)           | <b>forwards</b> (1)   | <b>Glen</b> (4)            |
| <b>Exhibit-97</b> (3)  | <b>female</b> (2)         | <b>found</b> (4)      | <b>Glenn</b> (3)           |
| <b>Exhibit-98</b> (3)  | <b>field</b> (47)         | <b>Four</b> (13)      | <b>go</b> (83)             |
| <b>Exhibit-99</b> (2)  | <b>field/home</b> (1)     | <b>fourish</b> (1)    | <b>goes</b> (9)            |
| <b>EXHIBITS</b> (6)    | <b>fifth</b> (1)          | <b>FOX</b> (6)        | <b>going</b> (153)         |
| <b>exist</b> (3)       | <b>figure</b> (5)         | <b>frame</b> (10)     | <b>Good</b> (7)            |
| <b>existed</b> (2)     | <b>file</b> (13)          | <b>fraud</b> (1)      | <b>gotten</b> (1)          |
| <b>existing</b> (2)    | <b>filed</b> (9)          | <b>free</b> (3)       | <b>Govern</b> (5)          |
| <b>exists</b> (2)      | <b>files</b> (1)          | <b>fresh</b> (1)      | <b>grace</b> (7)           |
| <b>exited</b> (1)      | <b>filings</b> (2)        | <b>Friday</b> (11)    | <b>grammatically</b> (1)   |
| <b>exiting</b> (2)     | <b>fill</b> (3)           | <b>friendly</b> (1)   | <b>Grant</b> (4)           |
| <b>expecting</b> (1)   | <b>filled</b> (4)         | <b>front</b> (6)      | <b>granted</b> (1)         |
| <b>experience</b> (2)  | <b>fills</b> (1)          | <b>Fucci</b> (1)      | <b>great</b> (5)           |

|                         |                            |                          |                           |
|-------------------------|----------------------------|--------------------------|---------------------------|
| <b>grievance</b> (3)    | <b>highway</b> (2)         | <b>implying</b> (1)      | <b>inquire</b> (1)        |
| <b>Groody</b> (2)       | <b>hire</b> (18)           | <b>important</b> (5)     | <b>ins</b> (1)            |
| <b>GROUP</b> (3)        | <b>hired</b> (20)          | <b>improved</b> (1)      | <b>inside</b> (1)         |
| <b>guess</b> (25)       | <b>hires</b> (3)           | <b>improvements</b> (1)  | <b>instance</b> (3)       |
| <b>guidance</b> (8)     | <b>hiring</b> (3)          | <b>inable</b> (1)        | <b>instances</b> (2)      |
| <b>Gulf</b> (1)         | <b>historical</b> (1)      | <b>inaccurate</b> (2)    | <b>instruct</b> (4)       |
| <b>guys</b> (1)         | <b>historically</b> (2)    | <b>inappropriate</b> (3) | <b>instructed</b> (12)    |
| <b>&lt; H &gt;</b>      | <b>history</b> (3)         | <b>inaudible</b> (1)     | <b>instruction</b> (4)    |
| <b>Halcovage</b> (69)   | <b>hit</b> (2)             | <b>in-box</b> (1)        | <b>instructions</b> (2)   |
| <b>Halcovage's</b> (5)  | <b>hitting</b> (2)         | <b>incident</b> (13)     | <b>insurance</b> (2)      |
| <b>HALL</b> (1)         | <b>Hobbs</b> (7)           | <b>inclement</b> (1)     | <b>intended</b> (1)       |
| <b>hallway</b> (1)      | <b>hold</b> (15)           | <b>include</b> (6)       | <b>interaction</b> (4)    |
| <b>hallways</b> (1)     | <b>holding</b> (1)         | <b>included</b> (18)     | <b>interactions</b> (1)   |
| <b>hampered</b> (3)     | <b>home</b> (104)          | <b>includes</b> (5)      | <b>interactive</b> (7)    |
| <b>hand</b> (5)         | <b>Homeowner</b> (1)       | <b>including</b> (10)    | <b>interim</b> (20)       |
| <b>handed</b> (5)       | <b>honestly</b> (2)        | <b>inclusive</b> (2)     | <b>INTERROGATION</b>      |
| <b>handle</b> (2)       | <b>Honor</b> (9)           | <b>incoming</b> (1)      | (1)                       |
| <b>handled</b> (2)      | <b>horseback</b> (1)       | <b>incomplete</b> (1)    | <b>intervener</b> (1)     |
| <b>handwritten</b> (2)  | <b>host</b> (1)            | <b>incorrect</b> (3)     | <b>interview</b> (11)     |
| <b>hang</b> (1)         | <b>hour</b> (1)            | <b>increase</b> (2)      | <b>interviewed</b> (2)    |
| <b>happen</b> (4)       | <b>hourly</b> (5)          | <b>independent</b> (7)   | <b>interviewing</b> (2)   |
| <b>happened</b> (11)    | <b>hours</b> (22)          | <b>INDEX</b> (1)         | <b>interviews</b> (2)     |
| <b>happens</b> (5)      | <b>house</b> (1)           | <b>indicate</b> (18)     | <b>introduce</b> (1)      |
| <b>happy</b> (1)        | <b>houses</b> (1)          | <b>indicated</b> (29)    | <b>introduced</b> (1)     |
| <b>harassed</b> (1)     | <b>HR</b> (30)             | <b>indicates</b> (24)    | <b>introduction</b> (1)   |
| <b>harassment</b> (22)  | <b>Hubert</b> (5)          | <b>indicating</b> (6)    | <b>investigate</b> (6)    |
| <b>hard</b> (2)         | <b>human</b> (44)          | <b>indication</b> (1)    | <b>investigating</b> (1)  |
| <b>Harrisburg</b> (2)   | <b>hybrid</b> (4)          | <b>indications</b> (1)   | <b>investigation</b> (13) |
| <b>hated</b> (1)        | <b>hypothetical</b> (2)    | <b>individual</b> (24)   | <b>investigations</b> (1) |
| <b>Hatter</b> (13)      | <b>hypothetically</b> (1)  | <b>individually</b> (1)  | <b>investigator</b> (1)   |
| <b>head</b> (9)         | <b>&lt; I &gt;</b>         | <b>individuals</b> (16)  | <b>investigators</b> (1)  |
| <b>heads</b> (2)        | <b>I-9</b> (1)             | <b>individual's</b> (2)  | <b>involve</b> (1)        |
| <b>health</b> (6)       | <b>idea</b> (7)            | <b>inform</b> (5)        | <b>involved</b> (40)      |
| <b>hear</b> (3)         | <b>ideally</b> (1)         | <b>informal</b> (1)      | <b>involvement</b> (6)    |
| <b>heard</b> (2)        | <b>identification</b> (55) | <b>information</b> (110) | <b>involves</b> (1)       |
| <b>hearing</b> (2)      | <b>identify</b> (1)        | <b>informational</b> (1) | <b>involving</b> (1)      |
| <b>hearings</b> (1)     | <b>immediately</b> (4)     | <b>informed</b> (27)     | <b>iPads</b> (1)          |
| <b>Heather</b> (3)      | <b>impact</b> (5)          | <b>inhibited</b> (1)     | <b>IPPOLITO</b> (11)      |
| <b>HEIDI</b> (9)        | <b>impacted</b> (3)        | <b>inhibits</b> (1)      | <b>ironed</b> (2)         |
| <b>Heinbach</b> (39)    | <b>impacting</b> (1)       | <b>initial</b> (13)      | <b>irrelevant</b> (1)     |
| <b>Heinbach's</b> (1)   | <b>impairs</b> (1)         | <b>initially</b> (5)     | <b>issue</b> (60)         |
| <b>held</b> (28)        | <b>impartial</b> (1)       | <b>initials</b> (2)      | <b>issued</b> (11)        |
| <b>Helene</b> (3)       | <b>implement</b> (2)       | <b>initiated</b> (3)     | <b>issues</b> (48)        |
| <b>help</b> (1)         | <b>implementation</b> (1)  | <b>injury</b> (1)        | <b>items</b> (1)          |
| <b>Hess</b> (6)         | <b>implementations</b> (1) | <b>in-person</b> (2)     | <b>its</b> (7)            |
| <b>Hetherington</b> (5) | <b>implemented</b> (8)     | <b>input</b> (13)        | <b>&lt; J &gt;</b>        |
| <b>hey</b> (14)         | <b>implementing</b> (1)    | <b>inputted</b> (1)      | <b>Jan</b> (3)            |
| <b>Highbock</b> (1)     | <b>imply</b> (1)           | <b>inputter</b> (1)      | <b>JANE</b> (592)         |
|                         |                            | <b>inputting</b> (2)     |                           |



|                          |                       |                            |                           |
|--------------------------|-----------------------|----------------------------|---------------------------|
| <b>January</b> (112)     | <b>LAW</b> (7)        | <b>Look</b> (85)           | <b>M-A-T-U-K-E-W-I-C-</b> |
| <b>Joan</b> (3)          | <b>laws</b> (1)       | <b>looked</b> (16)         | <b>Z</b> (1)              |
| <b>job</b> (68)          | <b>lawyer</b> (2)     | <b>looking</b> (20)        | <b>max</b> (1)            |
| <b>jobs</b> (1)          | <b>layman's</b> (1)   | <b>looks</b> (4)           | <b>Mayer</b> (4)          |
| <b>John</b> (1)          | <b>lead</b> (2)       | <b>lost</b> (2)            | <b>Mayers</b> (1)         |
| <b>joined</b> (1)        | <b>leading</b> (1)    | <b>lot</b> (20)            | <b>MCCAMEY</b> (1)        |
| <b>JONES</b> (1)         | <b>learn</b> (15)     | <b>Love</b> (1)            | <b>MCNERNEY</b> (1)       |
| <b>judge</b> (8)         | <b>learned</b> (5)    | <b>loved</b> (1)           | <b>mean</b> (47)          |
| <b>judgment</b> (7)      | <b>learning</b> (3)   | <b>lower</b> (5)           | <b>meaning</b> (7)        |
| <b>July</b> (6)          | <b>lease</b> (1)      | <b>Lubinsky</b> (1)        | <b>means</b> (2)          |
| <b>June</b> (1)          | <b>leases</b> (1)     | <b>L-U-B-I-N-S-K-Y</b> (1) | <b>meant</b> (2)          |
| <b>June-ish</b> (1)      | <b>leasing</b> (2)    | <b>lured</b> (1)           | <b>mediate</b> (1)        |
| <b>jury</b> (7)          | <b>leave</b> (34)     | <b>Luzern</b> (1)          | <b>medical</b> (31)       |
| <b>JUSTICE</b> (3)       | <b>leaving</b> (2)    | <b>Luzerne</b> (2)         | <b>medication</b> (1)     |
| <b>justification</b> (1) | <b>led</b> (3)        |                            | <b>meet</b> (12)          |
| <b>justify</b> (1)       | <b>LEES</b> (5)       | <b>&lt; M &gt;</b>         | <b>meeting</b> (69)       |
| <b>jut</b> (1)           | <b>left</b> (11)      | <b>Mahall</b> (1)          | <b>meetings</b> (5)       |
|                          | <b>legal</b> (30)     | <b>mail</b> (4)            | <b>meets</b> (1)          |
| <b>&lt; K &gt;</b>       | <b>legally</b> (1)    | <b>main</b> (2)            | <b>member</b> (2)         |
| <b>Katz</b> (1)          | <b>legitimate</b> (1) | <b>maintain</b> (3)        | <b>members</b> (2)        |
| <b>Keel</b> (3)          | <b>letter</b> (55)    | <b>maintained</b> (8)      | <b>memo</b> (19)          |
| <b>Keel's</b> (1)        | <b>level</b> (4)      | <b>maintains</b> (2)       | <b>mental</b> (3)         |
| <b>keep</b> (7)          | <b>LexisNexis</b> (1) | <b>maintenance</b> (7)     | <b>mentally</b> (3)       |
| <b>kept</b> (4)          | <b>license</b> (28)   | <b>majority</b> (6)        | <b>MENTIONED</b> (1)      |
| <b>key</b> (1)           | <b>licensed</b> (1)   | <b>maker</b> (1)           | <b>met</b> (17)           |
| <b>keyboard</b> (1)      | <b>licenses</b> (4)   | <b>making</b> (7)          | <b>metal</b> (2)          |
| <b>keycard</b> (1)       | <b>licensing</b> (2)  | <b>managed</b> (2)         | <b>Michael</b> (2)        |
| <b>keyed</b> (1)         | <b>light</b> (1)      | <b>management</b> (7)      | <b>mid</b> (1)            |
| <b>keys</b> (1)          | <b>liked</b> (1)      | <b>manager</b> (5)         | <b>MIDDLE</b> (5)         |
| <b>kind</b> (39)         | <b>limit</b> (4)      | <b>managerial</b> (5)      | <b>Middletown</b> (4)     |
| <b>kinds</b> (1)         | <b>limited</b> (4)    | <b>managers</b> (3)        | <b>midway</b> (1)         |
| <b>knew</b> (11)         | <b>Line</b> (21)      | <b>mandatory</b> (2)       | <b>million</b> (1)        |
| <b>know</b> (315)        | <b>lines</b> (4)      | <b>manner</b> (1)          | <b>mind</b> (3)           |
| <b>knowledge</b> (55)    | <b>lingo</b> (1)      | <b>March</b> (70)          | <b>minute</b> (3)         |
| <b>known</b> (3)         | <b>Lisa</b> (1)       | <b>Marchalk</b> (1)        | <b>minutes</b> (3)        |
| <b>Kutzler</b> (87)      | <b>list</b> (3)       | <b>MARIA</b> (4)           | <b>MIS</b> (1)            |
| <b>Kutzler's</b> (6)     | <b>listed</b> (7)     | <b>marijuana</b> (1)       | <b>misrepresent</b> (1)   |
|                          | <b>listing</b> (1)    | <b>mark</b> (37)           | <b>missed</b> (2)         |
| <b>&lt; L &gt;</b>       | <b>little</b> (10)    | <b>MARKED</b> (70)         | <b>mistakes</b> (1)       |
| <b>Labor</b> (1)         | <b>live</b> (1)       | <b>Market</b> (16)         | <b>misuse</b> (1)         |
| <b>lack</b> (2)          | <b>local</b> (1)      | <b>marking</b> (3)         | <b>modified</b> (1)       |
| <b>ladies</b> (1)        | <b>locate</b> (1)     | <b>married</b> (1)         | <b>mold</b> (1)           |
| <b>lady</b> (1)          | <b>located</b> (5)    | <b>Marshall</b> (2)        | <b>moment</b> (1)         |
| <b>language</b> (4)      | <b>location</b> (18)  | <b>mass</b> (1)            | <b>Monday</b> (4)         |
| <b>lapse</b> (1)         | <b>locations</b> (5)  | <b>materials</b> (1)       | <b>money</b> (2)          |
| <b>laptop</b> (5)        | <b>locked</b> (2)     | <b>math</b> (2)            | <b>monitor</b> (1)        |
| <b>large</b> (1)         | <b>log</b> (1)        | <b>Matt</b> (3)            | <b>monitored</b> (1)      |
| <b>larger</b> (3)        | <b>long</b> (3)       | <b>matter</b> (8)          | <b>monitoring</b> (1)     |
| <b>late</b> (9)          | <b>longer</b> (3)     | <b>matters</b> (4)         | <b>Monroe</b> (1)         |
|                          |                       | <b>Matukewicz</b> (2)      |                           |

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 nippolito@mpvhlaw.co  
 m (1)  
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| screening (1)    | sheets (9)        | sorts (1)         | statue (1)       |
| search (1)       | sheriff (5)       | sought (2)        | status (5)       |
| searches (1)     | sheriff's (5)     | sound (4)         | statute (2)      |
| second (32)      | shifted (1)       | sounds (2)        | stay (2)         |
| second-round (1) | shortly (2)       | source (1)        | STEB (89)        |
| section (5)      | short-term (6)    | Sp (1)            | STEBs (1)        |
| security (2)     | shut (2)          | space (8)         | steep (2)        |
| see (48)         | shy (3)           | spaces (4)        | stenographic (1) |
| seeing (2)       | sick (1)          | speak (48)        | step (1)         |
| seek (2)         | side (5)          | speaker (1)       | stepped (1)      |
| seeking (9)      | sign (23)         | speakerphone (1)  | steps (3)        |
| seen (9)         | signature (8)     | speaking (8)      | stint (2)        |
| selected (2)     | signed (25)       | specialized (1)   | stipulation (1)  |
| selection (2)    | significant (3)   | specific (26)     | stood (1)        |
| send (13)        | significantly (1) | specifically (24) | Stop (9)         |
| sending (4)      | signing (3)       | specifics (1)     | stopped (4)      |
| sense (5)        | sign-off (1)      | specified (1)     | story (2)        |
| sent (38)        | signs (2)         | speed (2)         | Stottlemeyer (1) |
| sentence (26)    | similar (4)       | spend (1)         | Street (8)       |
| sentences (2)    | similarly (1)     | spends (1)        | stress (1)       |
| separate (15)    | simple (1)        | spent (1)         | strike (22)      |
| separated (19)   | simply (8)        | spin (1)          | Stroudsburg (1)  |
| separately (2)   | single (2)        | spoke (26)        | structure (6)    |
| separation (5)   | singular (2)      | spoken (5)        | struggle (2)     |
| September (12)   | sit (4)           | spores (1)        | struggled (3)    |
| serious (1)      | site (4)          | spot (3)          | struggling (1)   |
| serve (8)        | sits (1)          | spots (2)         | stubs (1)        |
| served (3)       | sitting (1)       | St (5)            | stuff (1)        |
| services (4)     | situation (21)    | staff (16)        | subject (3)      |
| serving (4)      | situations (1)    | staffed (2)       | submission (6)   |
| SERVPRO (3)      | six (6)           | staffing (2)      | submissions (1)  |
| session (11)     | slowly (1)        | stairwell (1)     | submit (13)      |
| sessions (13)    | smart (1)         | stamp (10)        | submits (3)      |
| set (10)         | SMITH (289)       | stamped (2)       | submitted (27)   |
| sets (1)         | Smith's (1)       | stamps (5)        | submitting (4)   |
| setting (1)      | snow (1)          | standard (1)      | subsequent (3)   |
| Seven (8)        | social (1)        | Standards (1)     | subsequently (1) |
| severally (2)    | sole (7)          | standpoint (1)    | substance (1)    |
| severe (1)       | solicitor (3)     | stands (1)        | substantial (1)  |
| severely (4)     | solicitors (1)    | start (23)        | successful (1)   |
| sexual (21)      | solicitor's (4)   | started (28)      | sufficient (3)   |
| sexually (2)     | solution (5)      | starting (2)      | suggest (3)      |
| shape (1)        | Solutions (3)     | starts (3)        | suggested (6)    |
| share (1)        | somebody (10)     | State (21)        | suggestion (5)   |
| shared (1)       | someone's (1)     | stated (5)        | suggestions (6)  |
| Sharon (1)       | somewhat (1)      | statement (55)    | suggests (1)     |
| Sharyn (3)       | soon (1)          | statements (2)    | suing (2)        |
| she'd (1)        | sorry (84)        | STATES (15)       | suitable (1)     |
| sheet (7)        | sort (4)          | stating (3)       | Suite (3)        |



|                          |                          |                          |                              |
|--------------------------|--------------------------|--------------------------|------------------------------|
| <b>summary</b> (4)       | (1)                      | <b>today's</b> (3)       | <b>two-way</b> (1)           |
| <b>superceded</b> (1)    | <b>telecommuting</b> (8) | <b>told</b> (25)         | <b>type</b> (5)              |
| <b>supercedes</b> (1)    | <b>tell</b> (23)         | <b>Tom</b> (16)          | <b>typed</b> (1)             |
| <b>supersede</b> (1)     | <b>telling</b> (5)       | <b>tomorrow</b> (5)      | <b>types</b> (2)             |
| <b>supervised</b> (1)    | <b>temporary</b> (1)     | <b>tonight</b> (2)       | <b>typical</b> (4)           |
| <b>supervision</b> (2)   | <b>ten</b> (8)           | <b>Tony</b> (2)          | <b>typically</b> (24)        |
| <b>supervisor</b> (44)   | <b>tenure</b> (5)        | <b>tools</b> (1)         | <b>typist</b> (7)            |
| <b>supervisors</b> (6)   | <b>term</b> (4)          | <b>top</b> (10)          | <b>typo</b> (1)              |
| <b>supervisory</b> (1)   | <b>termed</b> (3)        | <b>topic</b> (2)         |                              |
| <b>supplement</b> (6)    | <b>terminating</b> (1)   | <b>total</b> (1)         | < U >                        |
| <b>supplemental</b> (4)  | <b>terminology</b> (2)   | <b>touch</b> (1)         | <b>U.S</b> (1)               |
| <b>supplements</b> (1)   | <b>terms</b> (3)         | <b>Tower</b> (1)         | <b>Uh-huh</b> (8)            |
| <b>supplies</b> (12)     | <b>terrible</b> (1)      | <b>town</b> (1)          | <b>ultimate</b> (3)          |
| <b>support</b> (1)       | <b>test</b> (7)          | <b>TOWNSEND</b> (12)     | <b>ultimately</b> (10)       |
| <b>supported</b> (1)     | <b>testified</b> (10)    | <b>track</b> (1)         | <b>unable</b> (3)            |
| <b>suppose</b> (1)       | <b>testify</b> (3)       | <b>tracked</b> (3)       | <b>unaccompanied</b> (1)     |
| <b>supposed</b> (8)      | <b>testifying</b> (3)    | <b>training</b> (59)     | <b>unclear</b> (1)           |
| <b>sure</b> (36)         | <b>testimony</b> (14)    | <b>trainings</b> (5)     | <b>uncomfortable</b> (2)     |
| <b>suspect</b> (1)       | <b>tests</b> (1)         | <b>transcribe</b> (1)    | <b>understaffed</b> (3)      |
| <b>suspected</b> (1)     | <b>text</b> (1)          | <b>transcribed</b> (1)   | <b>understand</b> (57)       |
| <b>suspended</b> (2)     | <b>Thank</b> (4)         | <b>TRANSCRIPT</b> (4)    | <b>understanding</b> (45)    |
| <b>sustain</b> (1)       | <b>Thanks</b> (1)        | <b>transfer</b> (1)      | <b>understood</b> (12)       |
| <b>sustaining</b> (1)    | <b>theirs</b> (1)        | <b>transferring</b> (1)  | <b>Unfortunately</b> (1)     |
| <b>swear</b> (1)         | <b>therefrom</b> (1)     | <b>transition</b> (6)    | <b>union</b> (1)             |
| <b>switch</b> (2)        | <b>thing</b> (4)         | <b>transitioned</b> (4)  | <b>union-represented</b> (1) |
| <b>sworn</b> (1)         | <b>things</b> (20)       | <b>transitioning</b> (1) | <b>unique</b> (1)            |
| <b>symptomatic</b> (1)   | <b>think</b> (135)       | <b>translate</b> (2)     | <b>UNITED</b> (2)            |
| <b>synopsis</b> (1)      | <b>thinking</b> (2)      | <b>transmitted</b> (2)   | <b>unlawful</b> (2)          |
| <b>system</b> (10)       | <b>thinks</b> (1)        | <b>transpired</b> (2)    | <b>unpack</b> (1)            |
| <b>systems</b> (2)       | <b>third</b> (10)        | <b>travel</b> (1)        | <b>unrelated</b> (4)         |
|                          | <b>third-party</b> (1)   | <b>traveling</b> (1)     | <b>unsigned</b> (2)          |
| < T >                    | <b>Thomas</b> (4)        | <b>tread</b> (1)         | <b>unwillingness</b> (1)     |
| <b>table</b> (1)         | <b>thorough</b> (1)      | <b>treasurer</b> (4)     | <b>upcoming</b> (1)          |
| <b>take</b> (40)         | <b>thoroughly</b> (1)    | <b>treasurer's</b> (3)   | <b>updated</b> (3)           |
| <b>taken</b> (8)         | <b>thought</b> (20)      | <b>treated</b> (1)       | <b>updating</b> (1)          |
| <b>talk</b> (15)         | <b>thoughts</b> (1)      | <b>trial</b> (7)         | <b>upload</b> (4)            |
| <b>talked</b> (9)        | <b>Three</b> (16)        | <b>trickle</b> (2)       | <b>uploaded</b> (5)          |
| <b>talking</b> (14)      | <b>Thursday</b> (5)      | <b>tried</b> (1)         | <b>uploading</b> (2)         |
| <b>talks</b> (10)        | <b>Tiffany</b> (4)       | <b>Trifun</b> (4)        | <b>upper</b> (3)             |
| <b>tardy</b> (1)         | <b>tile</b> (1)          | <b>true</b> (3)          | <b>upstairs</b> (2)          |
| <b>tasked</b> (1)        | <b>tiles</b> (5)         | <b>truly</b> (2)         | <b>up-to-date</b> (1)        |
| <b>tasks</b> (1)         | <b>time</b> (163)        | <b>truthfully</b> (3)    | <b>usage</b> (4)             |
| <b>tax</b> (121)         | <b>timely</b> (11)       | <b>try</b> (5)           | <b>use</b> (14)              |
| <b>taxes</b> (3)         | <b>times</b> (11)        | <b>trying</b> (9)        | <b>useful</b> (1)            |
| <b>taxing</b> (1)        | <b>timetable</b> (1)     | <b>turn</b> (7)          | <b>utilize</b> (14)          |
| <b>tech</b> (2)          | <b>timing</b> (2)        | <b>turned</b> (6)        | <b>utilized</b> (14)         |
| <b>TECHNICIAN</b> (1)    | <b>title</b> (4)         | <b>turnover</b> (1)      | <b>utilizing</b> (4)         |
| <b>technology</b> (1)    | <b>titled</b> (1)        | <b>Twenty</b> (2)        |                              |
| <b>telecommunicating</b> | <b>today</b> (13)        | <b>Two</b> (46)          | < V >                        |

|                         |                           |                        |
|-------------------------|---------------------------|------------------------|
| <b>vacancies</b> (6)    | <b>waiver</b> (3)         | <b>worth</b> (1)       |
| <b>vacant</b> (2)       | <b>waiving</b> (10)       | <b>write</b> (13)      |
| <b>vacation</b> (1)     | <b>walk</b> (4)           | <b>writing</b> (12)    |
| <b>vaccinated</b> (1)   | <b>walked</b> (2)         | <b>written</b> (9)     |
| <b>vague</b> (1)        | <b>walking</b> (2)        | <b>wrong</b> (10)      |
| <b>valid</b> (8)        | <b>Walmart</b> (2)        | <b>wrote</b> (3)       |
| <b>validate</b> (1)     | <b>Walnut</b> (2)         |                        |
| <b>valuations</b> (4)   | <b>wanded</b> (3)         | < Y >                  |
| <b>value</b> (2)        | <b>want</b> (32)          | <b>Yackenchick</b> (1) |
| <b>values</b> (6)       | <b>wanted</b> (16)        | <b>Yeah</b> (37)       |
| <b>VANDERLIN</b> (1)    | <b>wanting</b> (1)        | <b>year</b> (12)       |
| <b>vast</b> (3)         | <b>Washington</b> (1)     | <b>years</b> (4)       |
| <b>vehicle</b> (7)      | <b>wasting</b> (1)        | <b>yesterday</b> (1)   |
| <b>vehicle/home</b> (1) | <b>water-stained</b> (1)  | <b>youth</b> (1)       |
| <b>vehicles</b> (3)     | <b>wave</b> (1)           | <b>Yup</b> (4)         |
| <b>vendor</b> (3)       | <b>way</b> (8)            |                        |
| <b>verbal</b> (2)       | <b>wealth</b> (1)         | < Z >                  |
| <b>version</b> (5)      | <b>weather</b> (1)        | <b>Zimmerman</b> (6)   |
| <b>versus</b> (6)       | <b>website</b> (4)        | <b>Zimmerman's</b> (1) |
| <b>viable</b> (1)       | <b>Wednesday</b> (4)      | <b>Zoom</b> (3)        |
| <b>video</b> (10)       | <b>week</b> (19)          | <b>ZULA</b> (193)      |
| <b>VIDEOGRAPHER</b>     | <b>weekend</b> (1)        | <b>Zula-13</b> (1)     |
| (12)                    | <b>weekly</b> (2)         | <b>Zula-24</b> (2)     |
| <b>videos</b> (1)       | <b>weeks</b> (4)          | <b>Zula-25</b> (1)     |
| <b>VIDEOTAPE</b> (1)    | <b>weigh</b> (1)          |                        |
| <b>view</b> (4)         | <b>welcome</b> (1)        |                        |
| <b>viewed</b> (5)       | <b>well</b> (140)         |                        |
| <b>violated</b> (1)     | <b>went</b> (7)           |                        |
| <b>violations</b> (1)   | <b>we're</b> (22)         |                        |
| <b>violence</b> (1)     | <b>we've</b> (3)          |                        |
| <b>virtual</b> (2)      | <b>whereabouts</b> (1)    |                        |
| <b>virtually</b> (1)    | <b>white</b> (1)          |                        |
| <b>visit</b> (1)        | <b>WILLIAM</b> (1)        |                        |
| <b>visited</b> (1)      | <b>Williamsport</b> (1)   |                        |
| <b>Visiting</b> (2)     | <b>willing</b> (1)        |                        |
| <b>voiced</b> (1)       | <b>wish</b> (2)           |                        |
| <b>VOLUME</b> (1)       | <b>wishes</b> (1)         |                        |
| <b>volumes</b> (1)      | <b>withs</b> (1)          |                        |
| <b>vote</b> (14)        | <b>WITNESS</b> (69)       |                        |
| <b>voted</b> (14)       | <b>word</b> (2)           |                        |
| <b>votes</b> (1)        | <b>words</b> (5)          |                        |
|                         | <b>work</b> (186)         |                        |
| < W >                   | <b>workday</b> (1)        |                        |
| <b>W-4</b> (1)          | <b>worked</b> (25)        |                        |
| <b>wage</b> (2)         | <b>work-from-home</b> (2) |                        |
| <b>wait</b> (5)         | <b>working</b> (24)       |                        |
| <b>waited</b> (1)       | <b>work-related</b> (4)   |                        |
| <b>waiting</b> (1)      | <b>works</b> (5)          |                        |
| <b>waived</b> (1)       | <b>workspace</b> (1)      |                        |